

**FINAL**  
CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. February 3, 2009

City Council Chambers  
455 North Main

**OPENING OF REGULAR MEETING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on January 27, 2009

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**SWEARING IN CEREMONY**

- Swearing in of Municipal Court Judge William M. Kehr by the honorable Robb Rumsey

**I. PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Harvey Sorensen/Jon Rolph-Accomplishments in 2009.
2. Marydel Grayum-A new year for recycling and solid waste.
3. Steve Compton-Owner of the Eaton Steakhouse, requesting City's help.
4. Kelly Wendeln-Global Warming.
5. Ida Morrow-Pit bull Ban.

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**COUNCIL BUSINESS**

**II. UNFINISHED COUNCIL BUSINESS**

None

### **III. NEW COUNCIL BUSINESS**

1. Public Hearing and Issuance of Industrial Revenue Bonds, Ethanol Products, LLC. (District II)

RECOMMENDED ACTION: Close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,000,000 for Ethanol Products, LLC, and authorize necessary signatures.

2. Public Hearing and Property Tax Exemption Request, JR Custom Metal Products. (District IV)

RECOMMENDED ACTION: Close the public hearing and place on first reading the Ordinance granting JR Custom Metal Products a 32% tax exemption on the identified real property improvements for a five year term, plus a 32% tax exemption for a second five-year term, subject to City Council review.

3. Public Hearing and Tax Exemption Request, Piping and Equipment Company, Inc. (District VI)

RECOMMENDED ACTION: Close the public hearing, and approve first reading of the Ordinance granting Piping & Equipment an 87.5% tax exemption on the identified real property improvements for a five year term, plus an 87.5% tax exemption for a second five-year term, subject to City Council review.

4. Amending Ordinance 48-056 to include the amount that is paid by the Sewer Utility Fund. (District IV)

RECOMMENDED ACTION: Close the Public Hearing; approve the proposed amendment; and find and declare upon the request of the Mayor that a public emergency exists requiring the final passage of the Bond and Note Ordinances on the date of their introduction.

5. Correction to the Addendum to the 2005-2010 Transit Teamsters Local 795 Memorandum of Agreement.

RECOMMENDED ACTION: Approve the corrected 2009-2010 Addendum to the 2005-2010 Memorandum of Agreement between the City and Transit Teamsters Local 795.

6. Correction to Transit Teamster Pay Rates in the Non-exempt Salary Ordinance.

RECOMMENDED ACTION: Adopt the ordinance and place on first reading.

7. Correction to Tennis Professional Incentives in Exempt Salary Ordinance.

RECOMMENDED ACTION: Adopt the ordinance and place it on first reading.

8. City-Owned Parcel at the Southwest Corner of First Street and Waco. (District VI)

RECOMMENDED ACTION: Authorize staff to negotiate an agreement with the YMCA for its acquisition of the City-owned parcel at First and Waco.

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**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

**PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

**IV. NON-CONSENT PLANNING AGENDA**

None

**V. CONSENT PLANNING AGENDA (ITEMS 1 THROUGH 3)**

1. \*DER 2008-10-Amendments to the Wichita-Sedgwick County Subdivision Regulations.

RECOMMENDED ACTION: Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations and approve first reading of the Ordinance.

2. \*SUB 2008-86 -- Plat of Ledgestone Addition located west of Seneca and north of Pawnee. (District IV)

RECOMMENDED ACTION: Approve the document and plat and authorize the necessary signatures.

3. \*A09-02 Request by Paul E. Kelsey, of Kelsey Investments, Inc., to annex lands generally located north of 13th Street North and west of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading, and authorize the necessary signatures.

## **HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**Allan Murdock, Housing Member is also seated with the City Council.**

### **VI. NON-CONSENT HOUSING AGENDA**

None

### **VII. CONSENT HOUSING AGENDA**

None

## **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

### **VIII. NON-CONSENT AIRPORT AGENDA**

None

### **IX. CONSENT AIRPORT AGENDA**

None

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## **COUNCIL AGENDA**

### **X. COUNCIL MEMBER AGENDA**

None

### **XI. COUNCIL MEMBER APPOINTMENTS**

1.

RECOMMENDED ACTION: Approve the Appointments



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6. Deeds and Easements:

- a. (See Attached)

RECOMMENDED ACTION: Accept documents.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

8. Agreements/Contracts:

- a. Bike Path along I-135, Gypsum Creek and George Washington Boulevard, from north to Pawnee to the Kansas Turnpike. (District III)- supplemental

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

9. Property Acquisition:

- a. Partial Acquisition of Land at 4659 South Meridian; 47th Street – 31st Street Road Improvement Project. (District IV)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

10. Minutes of Advisory Boards/Commissions

District I Advisory Board, December 1, 2008

District II Advisory Board, December 1, 2008

Wichita Historic Preservation Board, December 8, 2008

Board of Appeals of Air Conditioning, Refrigeration Warm Air Heating and Boilers, January 22, 2009

RECOMMENDED ACTION: Receive and file.

11. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for Twenty-four (24) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 23, 2009 at 11:00 a.m.

Notification of both the informal and formal public hearings regarding the proposed special assessments will be mailed to affected property owners on February 6, 2009.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 10, 2009 and direct the City Clerk to publish the notices of hearing at least once not less than 10 day prior to the date of the hearing.

12. Senior Management Report, November 2008.

RECOMMENDED ACTION: Receive and file.

13. Senior Management Report, December 2008.

RECOMMENDED ACTION: Receive and file.

14. Banking Services Resolution.

RECOMMENDED ACTION: Adopt the resolution updating authorization and providing Robert Layton and Kelly Carpenter authority to execute banking documents on behalf of the City of Wichita.

15. Fidelity Bank Resolutions.

RECOMMENDED ACTION: Adopt the resolutions updating the list of individuals authorized to execute transactions with Fidelity Bank and authorize the necessary signatures.

16. Check Collection Services - Vendor Selection.

RECOMMENDED ACTION: Approve the selection of Recheck, Inc. for collection of returned checks and authorize the Mayor to sign the contract.

17. Acquisition by Eminent Domain of Tracts of Land for Water and Sanitary Sewer Lines in the vicinity of 21st Street North and 135th Street West. (District V)

RECOMMENDED ACTION: Adopt the resolution, approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition.

18. Consent to Sale and Title Transfer, Olde English Manor Apartments. (District I)

RECOMMENDED ACTION: Approve the Resolution consenting to the sale and transfer of title of the Olde English Manor Apartments and authorize the necessary signatures.

19. Rounds and Porter Building-Roof Replacement.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

20. Report on Claims for October 2008.

<u>Name of Claimant</u>	<u>Amount</u>
Juanita Bergman	\$11,500**
Brandy Hampton	\$4,043.70
Matthew Henry, M.D. y	\$449.00**
John Brumley	\$680.00
Joaquin Morales	\$40.17
Mickey Thull	\$86.00
Nancy Mills	\$860.00
Chelsie Smith	\$1,827.72
Richard Perez	\$14,000.00**

\*\*Settled for lesser amount than claimed

RECOMMENDED ACTION: Receive and file.

21. Second Reading Ordinances: (First Read January 27, 2009)

a. List of Second Reading Ordinances (See Attached)

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Issuance of Industrial Revenue Bonds (Ethanol Products, LLC) (District II)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Close the public hearing and place the ordinance on first reading.

**Background:** On September 12, 2006, City Council approved a two-year Letter of Intent for Industrial Revenue Bonds in the amount not-to-exceed \$4,000,000, and a 100% five-plus-five-year property tax exemption for Ethanol Products, LLC. Bond proceeds will be used to finance the recently constructed second office facility north of the corporate headquarters located at 37<sup>th</sup> Street and Webb Road in northeast Wichita. On July 1, 2008, City Council approved extension of the letter of intent to February 27, 2009. The Company is requesting the issuance of IRBs at this time, in the amount not-to-exceed \$4,000,000.

**Analysis:** Ethanol Products, LLC is a South Dakota company formed in 2000 to provide marketing, trading, distribution, risk management and market development of renewable fuels throughout the United States. Ethanol Products is the second largest supplier of fuel grade ethanol in the United States with over 615 million gallons of production per year, and currently markets for 18 ethanol plants in the upper Midwest, including one in Kansas. Ethanol Products' customers are primarily comprised of the major petroleum companies and the product is delivered to destinations all across the upper Midwest and on both the East and West Coasts.

The company has recently completed construction of a 20,000 s.f. office building to accommodate expanded operations, located on Webb Road between 38<sup>th</sup> and 39<sup>th</sup> Streets North, in northeast Wichita. The company currently employs 41 at its current location and has committed to hire 45 new employees over the next five years. The average salary at Ethanol Products is \$44,000 per year.

The firm of Kutak Rock LLP, will serve as bond counsel in the transaction. Ethanol Products will purchase the bonds, and the bonds will not be reoffered to the public. The company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions.

**Financial Considerations:** Ethanol Products, LLC agrees to pay all costs of the City relative to the issuance of the bonds. The company also agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Based on the 2008 mill levy, the estimated tax value of exempted property for the first full year is approximately \$117,898. The value of the 100% real property tax exemption as applicable to taxing jurisdictions is:

City	\$ 32,056	State	\$ 1,500
County	\$ 30,377	USD 259	\$ 53,965

The cost/benefit analysis report completed using the fiscal and economic impact model of Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City of Wichita	1.79 to one
Sedgwick County	1.33 to one
USD 259	1.00 to one
State of Kansas	15.95 to one

**Goal Impact:** Economic Vitality and Affordable Living. Providing low-cost financing and granting an ad valorem property tax exemption and sales tax exemption encourages the creation of new job opportunities for the City of Wichita and Sedgwick County.

**Legal Considerations:** The City Attorney's Office has approved the Ordinance as to form. The City's bond counsel has prepared Bond documents required for the issuance of bonds. The City Attorney's Office will review and approve the form of the bond documents prior to the issuance of any bonds.

**Recommendations/Actions:** It is recommended that the City Council close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,000,000 for Ethanol Products, LLC, and authorize necessary signatures.

**Attachments:** Bond Ordinance

(Published in *The Wichita Eagle*, \_\_\_\_\_, 2009)

**ORDINANCE NO. 48-175**

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES I, 2009 (ETHANOL PRODUCTS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,000,000 FOR THE PURPOSE OF CONSTRUCTING AND ACQUIRING A COMMERCIAL FACILITY; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

**WHEREAS**, the City of Wichita, Kansas (the “Issuer”), is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities; and

**WHEREAS**, the Issuer has found and does find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its taxable industrial revenue bonds, Series I, 2009, in the aggregate principal amount of \$4,000,000 (the “2009 Bonds”), for the purpose of paying the costs of constructing and acquiring a commercial facility (the “Project”) as more fully described in the Indenture and in the Lease hereinafter authorized for lease by the Issuer to Ethanol Products, LLC, a South Dakota limited liability company (the “Tenant”); and

**WHEREAS**, the 2009 Bonds and the interest thereon shall not be a general obligation of the Issuer, shall not be payable in any manner by taxation and shall be payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project; and

**WHEREAS**, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the 2009 Bonds to execute and deliver (i) a Trust Indenture dated as of February 15, 2009 (the “Indenture”), with Bank of Oklahoma, N.A., Tulsa, Oklahoma, as trustee (the “Trustee”), prescribing the terms and conditions of issuing and securing the 2009 Bonds; (ii) a Lease dated as of February 15, 2009 (the “Lease”), with the Tenant in consideration of payments of Basic Rent and other payments provided for therein, and (iii) an Administrative Service Fee Agreement between the Issuer and the Tenant (collectively, the “Bond Documents”); and

**WHEREAS**, the Tenant will enter into a Guaranty Agreement dated as of February 15, 2009 (the “Guaranty”), with the Trustee guaranteeing the payment of the principal of and interest on the 2009 Bonds; and

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Authority to Cause the Project to be Constructed and Acquired.** The Governing Body of the Issuer hereby declares that the Project, if in being, would promote the welfare of the City of Wichita, Kansas, and the Issuer is hereby authorized to cause the Project to

be constructed and acquired all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

**Section 2. Authorization of and Security for the 2009 Bonds.** The Issuer is hereby authorized and directed to issue the 2009 Bonds, to be designated “City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series I, 2009 (Ethanol Products, LLC)” in the aggregate principal amount of \$4,000,000. The 2009 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The 2009 Bonds shall be special limited obligations of the Issuer payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project. The 2009 Bonds shall not be general obligations of the Issuer, nor constitute a pledge of the full faith and credit of the Issuer and shall not be payable in any manner by taxation.

**Section 3. Lease of the Project.** The Issuer shall cause the Project to be leased to the Tenant pursuant to and in accordance with the provisions of the Lease in the form approved herein.

**Section 4. Execution of 2009 Bonds and Bond Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the 2009 Bonds and deliver them to the Trustee for authentication on behalf of, and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor is further authorized and directed to execute and deliver the Bond Documents on behalf of, and as the act and deed of the Issuer in substantially the forms presented for review prior to final passage of this Ordinance, with such minor corrections or amendments thereto as the Mayor may approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or any Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the 2009 Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer’s official seal.

**Section 5. Approval of the Guaranty.** The form of the Guaranty in substantially the form presented for review prior to final passage of this Ordinance is hereby approved.

**Section 6. Pledge of the Project and Net Revenues.** The Issuer hereby pledges the Project and the net revenues generated under the Lease to the payment of the 2009 Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the 2009 Bonds shall be deemed to have been paid within the meaning of the Indenture

**Section 7. Further Authority.** The officers, agents and employees of the Issuer are hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the 2009 Bonds and the Bond Documents as necessary to give effect to the transactions contemplated in this Ordinance and in the Bond Documents.

**Section 8. Effective Date.** This Ordinance shall take effect from and after its final passage by the Governing Body of the Issuer, signature by the Mayor and publication once in the official newspaper of the Issuer.



**PASSED** by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on February 10, 2009.

CITY OF WICHITA, KANSAS

(Seal)

By \_\_\_\_\_  
Carl Brewer, Mayor

Attest:

By \_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

By \_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Property Tax Exemption Request (JR Custom Metal Products) (District IV)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Close the public hearing and place Ordinance on first reading.

**Background:** Since 1998, the City of Wichita has approved issuance of Industrial Revenue Bonds and property tax exemptions for JR Custom Metal Products (“JR Custom”) through the IRB and Economic Development Exemption (EDX) program. JR Custom Metal Products (“JR Custom”) was established in 1974 as a small metal fabrication operation. Since establishment, JR Custom has grown to be a premier fabricator in the Midwest working with companies such as Case New Holland and Excel Industries. JR Custom currently employs 95 people in Wichita and anticipates continued growth in the future. After having submitted a letter of intent to the City, the company has recently completed a 7,000 sf building addition and is requesting property tax exemption under the EDX program.

**Analysis:** JR Custom designs, manufactures, modifies, and repairs high precision custom metal products. JR Custom’s products are designed primarily for the automotive, agricultural, general construction, and aviation industries. JR Custom focuses its manufacturing capacity on custom and specialty metal products. The company recently completed a 7,000 sf expansion of the existing production facility and the addition of new machinery and equipment. JR Custom plans to add at least 9 new jobs over the next five years with average wages of \$34,075, for a total local employment of 104 by 2013.

Under the Economic Development Incentive Policy, JR Custom is eligible for the following property tax abatement:

**TAX EXEMPTION ELIGIBILITY**

23%	New Job Creation: JR Custom will create at least 9 new jobs over five years
<u>9%</u>	Capital Investment: JR Custom will invest at least \$458,280
<b>32%</b>	<b><i>Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)</i></b>
<u>00.0%</u>	Location Premium: JR Custom is not located in the central redevelopment area
<b>32%</b>	<b>TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY</b>

Under the Economic Development Incentive Policy, JR Custom is eligible for a 32% tax exemption on the identified real property for a five-year term, plus a 32% tax exemption for a second five-year term, subject to City Council approval. Staff recommends a 32% property tax abatement. A notice of public

hearing has been published. JR Custom has agreed to comply with the conditions set forth in the attached Economic Development Incentive Agreement.

**Financial Considerations:** Based on the 2008 mill levy, the estimated tax value of exempted property for the first full year is approximately \$2,418. The value of the 32% real property tax exemption as applicable to taxing jurisdictions is:

City	\$ 658	State	\$ 31
County	\$ 623	USD 259	\$ 1107

Wichita State University's Center for Economic Development and Business Research performed a cost-benefit analysis indicating benefit-to-cost ratios, which are as follows:

City of Wichita	3.86 to one
Sedgwick County	3.11 to one
USD 265	3.13 to one
State of Kansas	9.42 to one

**Goal Impact:** Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

**Legal Considerations:** The City Attorney's Office has approved the attached Ordinance and Economic Development Incentive Agreement as to form.

**Recommendations/Actions:** It is recommended that City Council close the public hearing and place on first reading the Ordinance granting JR Custom Metal Products a 32% tax exemption on the identified real property improvements for a five year term, plus a 32% tax exemption for a second five-year term, subject to City Council review.

**Attachments:** Ordinance, Economic Development Incentive Agreement

\_\_\_\_\_FIRST PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

ORDINANCE NO. 48-176

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF JR CUSTOM METAL PRODUCTS, SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, JR Custom Metal Products, requests an ad valorem tax exemption on a proposed expansion project of 32% for a five-plus-five year term on the construction of a new building; and

WHEREAS, JR Custom Metal Products, has operated within the City for more than forty years as a fabricator of metal products; and

WHEREAS, JR Custom Metal Products, proposes a \$458,280 expansion by the construction of a new building expansion to be located at 2237 South West Street Court in southwest Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by JR Custom Metal Products, has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on February 3, 2009; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. JR Custom Metal Products is an existing business located in Wichita, Kansas, and intends to expand its business by construction of a building expansion.
2. The construction of the expansion for which exemption is given occurred after March 6, 2008. No exemption will be given for construction which occurred before that date.
3. Such construction is to be used exclusively for manufacturing articles of commerce.
4. By such expansion, JR Custom Metal Products will create new employment for 9 employees within five years after the start of the project.

5. Tax exemption will be given only for the construction of a building expansion as reflected in Exhibit I attached hereto.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council of the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by JR Custom Metal Products is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for manufacturing articles of commerce.

2. JR Custom Metal Products is hereby granted an ad valorem tax exemption of 32% for a five-year term on the construction of a building expansion and 32% for a second five years, located within the Wichita City limits at 2237 South West Street Court in southwest Wichita, at an estimated cost of \$458,280, as further defined in Exhibit I attached hereto. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and JR Custom Metal Products may be required to repay amounts previously abated), in the event of any failure by JR Custom Metal Products to perform its obligations under the Economic Development Incentive Agreement it has executed with the City.

3. The Economic Development Incentive Agreement between the City of Wichita and JR Custom Metal Products is hereby approved.

4. The Office of Urban Development shall be responsible for monitoring the performance of JR Custom Metal Products and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in Piping & Equipment Company, Inc.'s written request for ad valorem tax exemptions as presented to the City Council and to administrative staff and dated August 21, 2008 and as stated in JR Custom Metal Products' annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that JR Custom Metal Products no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which JR Custom Metal Products has executed with the City.

7. The City Council may, at its discretion, require JR Custom Metal Products to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement which JR Custom Metal Products has executed with the City.

8. Upon finding that JR Custom Metal Products has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment

of all prior amounts of taxes that have been exempted and shall withhold any future exemption of taxes on JR Custom Metal Products' expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

9. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, City Attorney

# Economic Development Incentive Agreement

**THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT** (the “Agreement”) is made and entered into on this \_\_\_\_ day of February, 2009, by and between the City of Wichita, Kansas, hereinafter referred to as the “City,” and JR Custom Metal Products hereinafter referred to as the “Company.”

**WHEREAS**, the Company currently operates a facility in Wichita, Kansas, for fabrication of metal products for the transportation industry, and, as of December 31, 2008 has an expansion of the facility and acquisition of machinery and equipment; and

**WHEREAS**, both the City and the Company desire for the Company to continue operating its business in Wichita, Kansas; and

**WHEREAS**, the City desires to increase employment opportunities for the citizens of Wichita, Kansas, and to further the other goals advanced by its economic development incentive policy; and

**WHEREAS**, the Company warrants that it is capable of, and desires to, increase the number of employment positions at its Wichita, Kansas facility; and

**WHEREAS**, the City has designed an economic development incentive program to accomplish its goal of increasing employment opportunities in Wichita, Kansas; and

**WHEREAS**, the purpose of this Agreement is to state the terms and conditions under which the City will cooperate in furnishing said economic development incentives.

**NOW, THEREFORE**, in consideration of the mutual conditions, covenants and promises contained herein, the parties hereto agree as follows:

1. **THE COMPANY.** The Company agrees (to the extent not already hitherto performed) that it shall do the following:
  - A. Between March 6, 2008 and December 31, 2008, the Company will have completed the construction of a building addition and the acquisition and installation of manufacturing equipment at its manufacturing facility, located at 2237 South West Street Court, Wichita, Kansas, at a cost of \$458,280, to be used exclusively for the purposes of manufacturing articles of commerce;
  - B. Maintain, throughout the period from the date of this Agreement to May 11, 2013, employment of not less than ninety-five (95) employees at such manufacturing facility;

- C. On or prior to May 11, 2013, the Company will add an additional nine (9) new jobs at such manufacturing facility, and maintain employment of not less than one-hundred four (104) employees at such manufacturing facility, through at least December 31, 2018;
- D. During the entire term of this Agreement, the Company will continuously maintain the average wage paid to its employees at a level (1) equal to or greater than the average wage paid by businesses in the Wichita Metropolitan Statistical Area with the Company's NAICS classification, or alternatively, (2) greater than the average wage for all jobs in the Wichita Metropolitan Statistical Area excluding wages paid by businesses classified in NAICS Sector 336;
- E. During the entire term of this Agreement, the Company will meet any Equal Employment Opportunity/Affirmative Action goals set forth in its periodic filings with the City, and will annually file its Equal Employment Opportunity/Affirmative Action Plan with the City;
- F. During the entire term of this Agreement, the Company will timely pay all *ad valorem* property taxes levied on its real or personal property within Sedgwick County, Kansas;
- G. During the entire term of this Agreement, the Company will ensure that it does not discriminate or permit discrimination against any person on the basis of race, color, national origin or ancestry, religion, sex, age, disability or marital status in its operations or services, and the Company will comply with all applicable provisions of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375 and 11141; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Kansas Act Against Discrimination, K.S.A. 44-1000, *et seq.*; the Code of the City of Wichita Section 2.12.950; and, any laws, amendments or regulations promulgated thereunder, including any Ordinance of the City of Wichita, Kansas, presently existing or hereafter enacted, which pertains to civil rights and equal employment opportunity;
- H. During the entire term of this Agreement, the Company will comply with all applicable governmental laws, rules and regulations; and,
- I. During the entire term of this Agreement, the Company will cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the Company and any inspection of the Company's premises or interviews with the Company's staff.



2. **EFFECT OF COMPANY'S BREACH; REMEDIES.** The Company acknowledges that in the event of its noncompliance with any of its obligations or agreements under the foregoing Section 1, the City will not have received the social and economic development benefits expected in connection with its entry into this Agreement and its furnishing of the economic development incentives provided for hereunder, and the resulting loss to the City will be difficult to measure. In such event, Company shall be required to pay to the City, as liquidated damages, or as a payment in lieu of tax, an amount equal to the *ad valorem* taxes that would theretofore have been payable but for the tax exemption referred to in Section 3 of this Agreement, and the City shall be entitled to take action to cancel and revoke such exemption for any subsequent period. No delay or omission by the City to enforce any of its rights as provided for herein shall impair such right, nor shall any such delay or omission be construed to be a waiver of such right.
3. **THE CITY.** So long as the Company meets and performs its obligations under this Agreement, it is the City's intention that the 7,000 square foot building constructed by the Company pursuant to Section 1.A., above, shall be entitled to a 32% exemption from *ad valorem* taxation for a period of five (5) calendar years, commencing January 1, 2009, and provided proper application is made therefor. It is the City's further intention that the building expansion shall be entitled to a 32% exemption from *ad valorem* taxation for an additional period of five years from January 1, 2014 to December 31, 2018, subject to the approval, in 2013, of the then current governing body. The City agrees that, during the term of this Agreement, and so long as the Company continues to meet and perform all of its obligations under this Agreement, the City will reasonably cooperate with the Company's efforts to perfect the intended exemption before the Kansas Court of Tax Appeals, and to make all necessary annual filings required to maintain such *ad valorem* tax exemption in full force and effect during the term of this Agreement, in accordance with K.S.A. 79-210 *et seq.*
4. **TERM.** This Agreement shall commence on the date first written above, and shall end on December 31, 2018.
5. **INCORPORATION OF APPENDIX.** Appendix A (Revised Non-Discrimination and Equal Employment Opportunity/Affirmative Action Program Requirements Statement for Contracts or Agreements) is attached hereto and made a part hereof as if fully set out herein.
6. **ENTIRE AGREEMENT.** This Agreement and any Appendices attached hereto contain all the terms and conditions agreed upon by both parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. Any agreement not contained herein shall not be binding on either party, nor of any force or effect. In the event of a conflict between the terms of this Agreement and the terms

contained in an Appendix, Statement of Work or other attachment, the terms of this Agreement will control.

7. **NOTIFICATION.** Notifications required pursuant to this Agreement shall be made in writing and mailed to the addresses shown below. Such notification shall be deemed complete upon mailing.

City: Office of Economic Development  
Attn: Economic Development Administrator  
455 North Main, 12<sup>th</sup> Floor  
Wichita, Kansas 67202

and

Department of Law  
Attn: City Attorney  
455 North Main, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

Company: JR Custom Metal Products  
Attn: Patricia Koehler  
2237 South West Street Court  
Wichita, Kansas 67213

8. **AUTHORITY.** Each person executing this Agreement represents and warrants that they are duly authorized to do so on behalf of the entity that is a party hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

CITY OF WICHITA, KANSAS

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

JR CUSTOM METAL PRODUCTS

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf  
Director of Law

\_\_\_\_\_  
Patricia Koehler  
President

## **APPENDIX A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.
  5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Tax Exemption Request (Piping & Equipment Company, Inc.)  
(District VI)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Close the Public Hearing and place Ordinance on First Reading.

**Background:** Piping & Equipment Company, Inc. (“Piping & Equipment”) was founded in 1946 to fabricate and erect piping for the energy industry. The company began by serving electrical generating plants, and business has expanded to include refineries, chemical, industrial and food processing plants, along with ASME code fabrication and repair, millwright services, and heavy mechanical construction. After having submitted a letter of intent to the City, the company recently relocated its operations to a new facility. Piping & Equipment is now requesting approval of an exemption under the Economic Development Exemption (EDX) Program on the construction of the new manufacturing facility.

**Analysis:** Piping & Equipment Company works with a number of regional and national clients on major pipeline construction and maintenance. They have operated in Wichita for over sixty years and have established a high-quality reputation. The company provides a unique service and has exhibited steady growth and expansion.

In 2008, Piping & Equipment relocated from their old facility on North Topeka which encompassed a 4,200 sf office space, a 2,400 sf weld shop and a separate 3,000 sf weld shop. Inefficiencies resulted from the layout of the weld shops, growth room was limited and there was no indoor storage. The company constructed a state-of-the-art 35,000 sf manufacturing shop with 32’ ceilings at 1111 East 37<sup>th</sup> St. North at a cost of \$2,236,951. The flow of product is greatly improved and the company is now able to fabricate new, larger products for their clients. They have also built indoor storage reducing the risk of theft, a major concern in the industry. The facility on North 37<sup>th</sup> St. also has vacant land for additional expansion.

Piping & Equipment currently has 50 employees in Wichita; the company plans to add at least 12 new manufacturing jobs at the Wichita location over the next five years, for a total local employment of 62 by 2013. Under the Economic Development Incentive Policy, Piping & Equipment is eligible for the following property tax abatement:

**TAX EXEMPTION ELIGIBILITY**

<b><u>ELIGIBLE %</u></b>	<b><u>INCENTIVE</u></b>	<b><u>EXPLANATION</u></b>
38.5%	New Job Creation:	Piping & Equipment will create at least 12 new jobs.
<u>29.0%</u>	Capital Investment:	Piping & Equipment will invest at least \$2,236,951.
<b>67.50%</b>	<b><i>Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)</i></b>	

20.0%

Location Premium:

Piping & Equipment is located in the central redevelopment area.

**87.50%**

**TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY**

Under the Economic Development Incentive Policy, Piping & Equipment is eligible for an 87.5% tax exemption on the identified real property for a five-year term, plus an 87.5% tax exemption for a second five-year term, subject to City Council approval. A notice of public hearing has been published. Piping & Equipment has agreed to comply with the conditions set forth in the attached Economic Development Incentive Agreement.

**Financial Considerations:** Based on the 2008 mill levy, the estimated tax value of exempted property for the first full year is approximately \$58,065. The value of the 87.5% real property tax exemption as applicable to taxing jurisdictions is:

City	\$ 15,788	State	\$ 739
County	\$ 14,961	USD 259	\$ 26,578

Wichita State University's Center for Economic Development and Business Research performed a cost-benefit analysis indicating benefit-to-cost ratios, which are as follows:

City of Wichita	1.92 to one
Sedgwick County	1.52 to one
USD 265	1.14 to one
State of Kansas	7.25 to one

**Goal Impact:** Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

**Legal Considerations:** The City Attorney's Office has approved the attached Ordinance and Economic Development Incentive Agreement as to form.

**Recommendations/Actions:** It is recommended that City Council close the public hearing, and approve first reading of the Ordinance granting Piping & Equipment an 87.5% tax exemption on the identified real property improvements for a five year term, plus an 87.5% tax exemption for a second five-year term, subject to City Council review.

**Attachments:** Ordinance, Economic Development Incentive Agreement

\_\_\_\_\_FIRST PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

ORDINANCE NO. 48-177

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF PIPING & EQUIPMENT COMPANY, INC., SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, Piping & Equipment Company, Inc., requests an ad valorem tax exemption on a proposed expansion project of 87.5% for a five-plus-five year term on the construction of a new building; and

WHEREAS, Piping & Equipment Company, Inc., has operated within the City for more than sixty years as a manufacturer and installer of piping and vessel systems; and

WHEREAS, Piping & Equipment Company, Inc., proposes a \$2,236,951 expansion by the construction of a new building expansion to be located at 1111 East 37<sup>th</sup> Street North in northeast Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by Piping & Equipment Company, Inc., has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on February 3, 2009; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. Piping & Equipment Company, Inc. is an existing business located in Wichita, Kansas, and intends to expand its business by construction of a building expansion.
2. The construction of the expansion for which exemption is given occurred after May 17, 2007. No exemption will be given for construction which occurred before that date.
3. Such construction is to be used exclusively for manufacturing articles of commerce.
4. By such expansion, Piping & Equipment Company, Inc. will create new employment for 12 employees within five years after the start of the project.



5. Tax exemption will be given only for the construction of a building expansion as reflected in Exhibit I attached hereto.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council of the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by Piping & Equipment Company, Inc. is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for manufacturing articles of commerce.

2. Piping & Equipment Company, Inc. is hereby granted an ad valorem tax exemption of 87.5% for a five-year term on the construction of a building expansion and 87.5% for a second five years, located within the Wichita City limits at 1111 East 37<sup>th</sup> Street North in northeast Wichita, at an estimated cost of \$2,236,951, as further defined in Exhibit I attached hereto. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and Piping & Equipment Company, Inc. may be required to repay amounts previously abated), in the event of any failure by Piping & Equipment Company, Inc., to perform its obligations under the Economic Development Incentive Agreement it has executed with the City.

3. The Economic Development Incentive Agreement between the City of Wichita and Piping & Equipment Company, Inc. is hereby approved.

4. The Office of Urban Development shall be responsible for monitoring the performance of Piping & Equipment Company, Inc. and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in Piping & Equipment Company, Inc.'s written request for ad valorem tax exemptions as presented to the City Council and to administrative staff and dated April 24, 2008 and as stated in Piping & Equipment Company, Inc.'s annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that Piping & Equipment Company, Inc. no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which Piping & Equipment Company, Inc. has executed with the City.

7. The City Council may, at its discretion, require Piping & Equipment Company, Inc. to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement which Piping & Equipment Company, Inc. has executed with the City.

8. Upon finding that Piping & Equipment Company, Inc. has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment of all prior amounts of taxes that have been exempted and shall withhold any future

exemption of taxes on Piping & Equipment Company, Inc.'s expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

9. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this \_\_\_\_ day of February, 2009.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, City Attorney

# **Economic Development Incentive Agreement**

**THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT** (the “Agreement”) is made and entered into on this \_\_\_\_ day of February, 2009, by and between the City of Wichita, Kansas, hereinafter referred to as the “City,” and Piping & Equipment Company, Inc. hereinafter referred to as the “Company.”

**WHEREAS**, the Company currently operates a facility in Wichita, Kansas, for manufacturing and installation of piping and vessel systems, and, as of December 31, 2008 has completed a relocation by constructing and equipping a new warehouse facility and acquiring and modifying existing structures at that facility; and

**WHEREAS**, both the City and the Company desire for the Company to continue operating its business in Wichita, Kansas; and

**WHEREAS**, the City desires to increase employment opportunities for the citizens of Wichita, Kansas, and to further the other goals advanced by its economic development incentive policy; and

**WHEREAS**, the Company warrants that it is capable of, and desires to, increase the number of employment positions at its Wichita, Kansas facility; and

**WHEREAS**, the City has designed an economic development incentive program to accomplish its goal of increasing employment opportunities in Wichita, Kansas; and

**WHEREAS**, the purpose of this Agreement is to state the terms and conditions under which the City will cooperate in furnishing said economic development incentives.

**NOW, THEREFORE**, in consideration of the mutual conditions, covenants and promises contained herein, the parties hereto agree as follows:

1. **THE COMPANY.** The Company agrees (to the extent not already hitherto performed) that it shall do the following:
  - A. Between June 17, 2007 and December 31, 2008, the Company will have completed the construction of a building addition and the acquisition and installation of manufacturing equipment at its manufacturing facility, located at 1111 East 37<sup>th</sup> Street North, Wichita, Kansas, at a cost of \$2,236,951, to be used exclusively for the purposes of manufacturing articles of commerce;
  - B. Maintain, throughout the period from the date of this Agreement to June 17, 2013, employment of not less than fifty (50) employees at such manufacturing facility;

- C. On or prior to June 17, 2013, the Company will add an additional twelve (12) new jobs at such manufacturing facility, and thereafter, maintain employment of not less than sixty-two (62) employees at such manufacturing facility, through at least December 31, 2018;
- D. During the entire term of this Agreement, the Company will continuously maintain the average wage paid to its employees at a level (1) equal to or greater than the average wage paid by businesses in the Wichita Metropolitan Statistical Area with the Company's NAICS classification, or alternatively, (2) greater than the average wage for all jobs in the Wichita Metropolitan Statistical Area excluding wages paid by businesses classified in NAICS Sector 336;
- E. During the entire term of this Agreement, the Company will meet any Equal Employment Opportunity/Affirmative Action goals set forth in its periodic filings with the City, and will annually file its Equal Employment Opportunity/Affirmative Action Plan with the City;
- F. During the entire term of this Agreement, the Company will timely pay all *ad valorem* property taxes levied on its real or personal property within Sedgwick County, Kansas;
- G. During the entire term of this Agreement, the Company will ensure that it does not discriminate or permit discrimination against any person on the basis of race, color, national origin or ancestry, religion, sex, age, disability or marital status in its operations or services, and the Company will comply with all applicable provisions of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375 and 11141; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Kansas Act Against Discrimination, K.S.A. 44-1000, *et seq.*; the Code of the City of Wichita Section 2.12.950; and, any laws, amendments or regulations promulgated thereunder, including any Ordinance of the City of Wichita, Kansas, presently existing or hereafter enacted, which pertains to civil rights and equal employment opportunity;
- H. During the entire term of this Agreement, the Company will comply with all applicable governmental laws, rules and regulations; and,
- I. During the entire term of this Agreement, the Company will cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the Company and any inspection of the Company's premises or interviews with the Company's staff.

2. **EFFECT OF COMPANY'S BREACH; REMEDIES.** The Company acknowledges that in the event of its noncompliance with any of its obligations or agreements under the foregoing Section 1, the City will not have received the social and economic development benefits expected in connection with its entry into this Agreement and its furnishing of the economic development incentives provided for hereunder, and the resulting loss to the City will be difficult to measure. In such event, Company shall be required to pay to the City, as liquidated damages, or as a payment in lieu of tax, an amount equal to the *ad valorem* taxes that would theretofore have been payable but for the tax exemption referred to in Section 3 of this Agreement, and the City shall be entitled to take action to cancel and revoke such exemption for any subsequent period. No delay or omission by the City to enforce any of its rights as provided for herein shall impair such right, nor shall any such delay or omission be construed to be a waiver of such right.
3. **THE CITY.** So long as the Company meets and performs its obligations under this Agreement, it is the City's intention that the 35,000 square foot building constructed by the Company pursuant to Section 1.A., above, shall be entitled to an 87.5% exemption from *ad valorem* taxation for a period of five (5) calendar years, commencing January 1, 2009, and provided proper application is made therefor. It is the City's further intention that the building expansion shall be entitled to an 87.5% exemption from *ad valorem* taxation for an additional period of five years from January 1, 2014 to December 31, 2018, subject to the approval, in 2013, of the then current governing body. The City agrees that, during the term of this Agreement, and so long as the Company continues to meet and perform all of its obligations under this Agreement, the City will reasonably cooperate with the Company's efforts to perfect the intended exemption before the Kansas Court of Tax Appeals, and to make all necessary annual filings required to maintain such *ad valorem* tax exemption in full force and effect during the term of this Agreement, in accordance with K.S.A. 79-210 *et seq.*
4. **TERM.** This Agreement shall commence on the date first written above, and shall end on December 31, 2018.
5. **INCORPORATION OF APPENDIX.** Appendix A (Revised Non-Discrimination and Equal Employment Opportunity/Affirmative Action Program Requirements Statement for Contracts or Agreements) is attached hereto and made a part hereof as if fully set out herein.
6. **ENTIRE AGREEMENT.** This Agreement and any Appendices attached hereto contain all the terms and conditions agreed upon by both parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. Any agreement not contained herein shall not be binding on either party, nor of any force or effect. In the event of a conflict between the terms of this Agreement and the terms

contained in an Appendix, Statement of Work or other attachment, the terms of this Agreement will control.

7. **NOTIFICATION.** Notifications required pursuant to this Agreement shall be made in writing and mailed to the addresses shown below. Such notification shall be deemed complete upon mailing.

City: Office of Economic Development  
Attn: Economic Development Administrator  
455 North Main, 12<sup>th</sup> Floor  
Wichita, Kansas 67202

and

Department of Law  
Attn: City Attorney  
455 North Main, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

Company: Piping & Equipment Company, Inc.  
1111 E 37<sup>th</sup> Street North  
Wichita, Kansas 67219

8. **AUTHORITY.** Each person executing this Agreement represents and warrants that they are duly authorized to do so on behalf of the entity that is a party hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

CITY OF WICHITA, KANSAS

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

PIPING & EQUIPMENT COMPANY,  
INC.

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf  
Director of Law

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **APPENDIX A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.
  5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;



D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

First Published in the Wichita Eagle, **October 24, 2008**

**Amended and Republished in the Wichita Eagle** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ 48-056 \_\_\_\_\_

**AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF SWS NO. 621, TO SERVE PAWNEE MESA ADDITION, North of Pawnee, East of 119th Street West (468-84152/485-310).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: construction of **SWS NO. 621, TO SERVE PAWNEE MESA ADDITION, North of Pawnee, East of 119th Street West (468-84152/485-310)** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$108,400.00** and that **\$108,400.00** be assessed against the improvement district, **\$0.00** be paid by the City at Large and **\$45,000.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 06-122**, adopted **March 7, 2006** and published **March 10, 2006** be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOT 25 BLOCK 13 PAWNEE MESA ADD.	11,116.17
LOT 26 BLOCK 13 PAWNEE MESA ADD.	7,649.83

LOT 27 BLOCK 13 PAWNEE MESA ADD.	8,899.99
LOT 28 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 29 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 30 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 31 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 32 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 33 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 34 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 35 BLOCK 13 PAWNEE MESA ADD.	7,955.55
LOT 36 BLOCK 13 PAWNEE MESA ADD.	9,134.04

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **November 24, 2008**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed fifteen (15) years, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2009**.

SECTION 5. This ordinance shall take effect and be in force as of and on **October 24, 2008** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas this 21st day of October, 2008.

Signed by the Mayor

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Carl Brewer, Mayor

ATTEST:

---

Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Gary Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** Amending Ordinance 48-056 to include the amount that is paid by the Sewer Utility Fund. (*District IV*)

**INITIATED BY:** Department of Public Works

**AGENDA:** New Business

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**Recommendation:** Approve the proposed assessments and ordinances.

**Background:** The City Council had approved the original Ordinance on October 21, 2008. The Ordinance included the correct amount that is assessed to the improvement district but omitted the amount to be paid by the Sewer Utility Fund.

**Analysis:** The original Ordinance was published October 24, 2008 with the error omitting the amount to be paid by the Sewer Utility Fund. The amount that is assessed to the property owners is correct and does not need to be changed.

**Financial Considerations:** This project is part of the 796 Bond Sale and closes February 19, 2009. The amendment to Ordinance 48-056 needs to be completed prior to the closing date since the principal and interest for the first year of the spread is scheduled to be placed on the 2009 tax roll.

**Goal Impact:** The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

**Legal Considerations:** This project was initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. The Petition represents 15 of 22 (68.2%) resident owners and 74.5% of the improvement district area.

**Recommendation/Action:** This is an amended version of the early ordinance, which was published in error. It is recommended that the City Council close the Public Hearing, approve the proposed amendment and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction.

**Attachment:** Original Ordinance 48-056 approved October 21, 2008  
Corrected Ordinance  
Declaration of Emergency

\_\_\_\_\_Published in the Wichita Eagle, **October 24, 2008**

ORDINANCE NO. \_\_\_\_\_ 48-056

**AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF SWS NO. 621, TO SERVE PAWNEE MESA ADDITION, North of Pawnee, East of 119th Street West (468-84152/485-310).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: construction of **SWS NO. 621, TO SERVE PAWNEE MESA ADDITION, North of Pawnee, East of 119th Street West (468-84152/485-310)** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$108,400.00** and that **\$108,400.00** be assessed against the improvement district, **\$0.00** be paid by the City at Large and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 06-122**, adopted **March 7, 2006** and published **March 10, 2006** be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOT 25 BLOCK 13 PAWNEE MESA ADD.	11,116.17
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BLOCK 13 PAWNEE MESA ADD.	
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LOT 30 BLOCK 13 PAWNEE MESA ADD.	9,092.06
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LOT 32 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 33 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 34 BLOCK 13 PAWNEE MESA ADD.	9,092.06
LOT 35 BLOCK 13 PAWNEE MESA ADD.	7,955.55
LOT 36 BLOCK 13 PAWNEE MESA ADD.	9,134.04

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **November 24, 2008**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed fifteen (15) years, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of

Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2009**.

SECTION 5. This ordinance shall take effect and be in force as of and on **October 24, 2008** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas this 21st day of October, 2008.

Signed by the Mayor

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Gary Rebenstorf, Director of Law



## **REQUEST FOR DECLARATION OF EMERGENCY**

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, February 3, 2009, of an ordinance entitled:

**AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF SWS NO. 621, TO SERVE PAWNEE MESA ADDITION, North of Pawnee, East of 119th Street West (468-84152/485-310).**

The general nature of such emergency is to enable the City to correct an omission of the amount that is to be paid by the "Storm Utility Fund" prior to the closing date of the 796 Bond Sale. The cost of improvement assessed to the property owners is correct as shown in the original Ordinance published October 24, 2008.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on this 3rd day of February 2009.

(Seal)

ATTEST:

\_\_\_\_\_  
CARL BREWER, Mayor

\_\_\_\_\_  
KAREN SUBLETT, City Clerk

## Appendix A

December 13, 2008 - December 25, 2009

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
312	\$9.9642	\$10.2132	\$10.4684	\$10.7302	\$10.9984	\$11.2734	\$11.5553	\$11.8441	\$12.1402	\$12.4437	\$12.7548	\$13.0736	\$13.4006	\$13.7356	\$14.0790
314	\$11.3172	\$11.6001	<b>\$11.8902</b>	\$12.1874	\$12.4920	\$12.8044	\$13.1245	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
315	\$11.3172	\$11.6001	<b>\$11.8902</b>	\$12.1874	\$12.4920	\$12.8044	\$13.1245	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
316	\$11.8230	\$12.1185	\$12.4214	\$12.7321	\$13.0503	\$13.3765	\$13.7111	\$14.0537	\$14.4051	\$14.7653	\$15.1345	\$15.5128	\$15.9006	\$16.2981	\$16.7056
317	\$12.6691	\$12.9858	\$13.3104	\$13.6432	\$13.9842	\$14.3339	\$14.6922	\$15.0597	\$15.4360	\$15.8219	\$16.2175	\$16.6229	\$17.0385	\$17.4644	\$17.9011
320	\$14.5296	\$14.8928	\$15.2651	\$15.6467	\$16.0380	\$16.4389	\$16.8498	\$17.2710	\$17.7028	\$18.1455	\$18.5991	\$19.0639	\$19.5407	\$20.0292	\$20.5299

December 26, 2009 - December 24, 2010

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
312	\$10.2631	\$10.5196	\$10.7825	\$11.0521	\$11.3284	\$11.6116	\$11.9019	\$12.1994	\$12.5044	\$12.8170	\$13.1375	\$13.4658	\$13.8026	\$14.1476	\$14.5013
314	\$11.6567	\$11.9481	<b>\$12.2469</b>	\$12.5531	\$12.8668	\$13.1885	\$13.5183	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
315	\$11.6567	\$11.9481	<b>\$12.2469</b>	\$12.5531	\$12.8668	\$13.1885	\$13.5183	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
316	\$12.1777	\$12.4821	\$12.7941	\$13.1140	\$13.4418	\$13.7778	\$14.1224	\$14.4754	\$14.8373	\$15.2083	\$15.5885	\$15.9782	\$16.3776	\$16.7871	\$17.2067
317	\$13.0492	\$13.3754	\$13.7097	\$14.0525	\$14.4037	\$14.7639	\$15.1330	\$15.5115	\$15.8991	\$16.2966	\$16.7040	\$17.1216	\$17.5496	\$17.9884	\$18.4381
320	\$14.9655	\$15.3396	\$15.7231	\$16.1161	\$16.5192	\$16.9321	\$17.3553	\$17.7892	\$18.2339	\$18.6899	\$19.1570	\$19.6358	\$20.1269	\$20.6301	\$21.1458

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Correction to the Addendum to the 2005-2010 Transit Teamsters Local 795 Memorandum of Agreement

**INITIATED BY:** Human Resources Department

**AGENDA:** New Business

---

**Recommendation:** Approve the corrected Addendum to the 2005-2010 Memorandum of Agreement between the City and Transit Teamsters Local 795.

**Background:** Council approved this Addendum on December 16, 2008. This item is to correct a mathematical error in the pay matrix (Appendix A).

**Analysis:** The corrections are to C-step of pay ranges 314 and 315 for 2009 and 1010. In 2009, this step should have been \$11.8902 in both ranges instead of \$11.8488. In 2010, this step should have been \$12.2469 in both ranges instead of \$12.2042. These are bolded in the attached Appendix A of the Addendum.

No other steps are affected.

The same corrections are made to the Non-exempt Salary Ordinance in another item on this Agenda.

**Financial Considerations:** There is no additional cost for these corrections. The correct rates were negotiated and budgeted for 2009 and 2010.

**Goal Area Impact:** This agreement falls under the Internal Perspective and Infrastructure Goals, but there is no impact of these corrections.

**Legal Considerations:** The Law Department has approved the addendum as to form.

**Recommendation/Action:** Approve the corrected 2009-2010 Addendum to the 2005-2010 Memorandum of Agreement between the City and Transit Teamsters Local 795.

**ORDINANCE NO. 48-178**  
**Non-exempt Salary**

**AN ORDINANCE PROVIDING FOR A UNIFORM SCHEDULE OF STANDARD PAY RANGES FOR NON-EXEMPT EMPLOYEES OF THE CITY OF WICHITA, REPEALING ORDINANCE NO. 48-152**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:**

**SECTION 1.** A schedule of standard pay ranges established for classifications in *Wichita Transit* represented by Teamsters Union Local #795, and in which employees are treated as non-exempt from the overtime provisions of the FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS**  
**December 13, 2008 – December 25, 2009**

Range	A	B	C	D	E	F	G
312	\$9.9642	\$10.2132	\$10.4684	\$10.7302	\$10.9984	\$11.2734	\$11.5553
314	\$11.3172	\$11.6001	<b>\$11.8902</b>	\$12.1874	\$12.4920	\$12.8044	\$13.1245
315	\$11.3172	\$11.6001	<b>\$11.8902</b>	\$12.1874	\$12.4920	\$12.8044	\$13.1245
316	\$11.8230	\$12.1185	\$12.4214	\$12.7321	\$13.0503	\$13.3765	\$13.7111
317	\$12.6691	\$12.9858	\$13.3104	\$13.6432	\$13.9842	\$14.3339	\$14.6922
320	\$14.5296	\$14.8928	\$15.2651	\$15.6467	\$16.0380	\$16.4389	\$16.8498

Range	H	I	J	K	L	M	N	O
312	\$11.8441	\$12.1402	\$12.4437	\$12.7548	\$13.0736	\$13.4006	\$13.7356	\$14.0790
314	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
315	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
316	\$14.0537	\$14.4051	\$14.7653	\$15.1345	\$15.5128	\$15.9006	\$16.2981	\$16.7056
317	\$15.0597	\$15.4360	\$15.8219	\$16.2175	\$16.6229	\$17.0385	\$17.4644	\$17.9011
320	\$17.2710	\$17.7028	\$18.1455	\$18.5991	\$19.0639	\$19.5407	\$20.0292	\$20.5299

**December 26, 2009 – December 24, 2010**

Range	A	B	C	D	E	F	G
312	\$10.2631	\$10.5196	\$10.7825	\$11.0521	\$11.3284	\$11.6116	\$11.9019
314	\$11.6567	\$11.9481	<b>\$12.2469</b>	\$12.5531	\$12.8668	\$13.1885	\$13.5183
315	\$11.6567	\$11.9481	<b>\$12.2469</b>	\$12.5531	\$12.8668	\$13.1885	\$13.5183
316	\$12.1777	\$12.4821	\$12.7941	\$13.1140	\$13.4418	\$13.7778	\$14.1224
317	\$13.0492	\$13.3754	\$13.7097	\$14.0525	\$14.4037	\$14.7639	\$15.1330
320	\$14.9655	\$15.3396	\$15.7231	\$16.1161	\$16.5192	\$16.9321	\$17.3553

Range	H	I	J	K	L	M	N	O
312	\$12.1994	\$12.5044	\$12.8170	\$13.1375	\$13.4658	\$13.8026	\$14.1476	\$14.5013
314	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
315	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
316	\$14.4754	\$14.8373	\$15.2083	\$15.5885	\$15.9782	\$16.3776	\$16.7871	\$17.2067
317	\$15.5115	\$15.8991	\$16.2966	\$16.7040	\$17.1216	\$17.5496	\$17.9884	\$18.4381
320	\$17.7892	\$18.2339	\$18.6899	\$19.1570	\$19.6358	\$20.1269	\$20.6301	\$21.1458

**SECTION 2.** A schedule of standard pay ranges established for **seasonal/limited** classifications for positions in which employees are treated as non-exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

**Current Pay Rates**

<b>Pay Range</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
410	5.50	5.75	6.00	6.25	6.50	*7.00
414	6.25	6.50	6.75	7.00	7.25	*8.00
415	6.50	6.75	7.00	7.25	7.50	*8.25
420	6.75	7.00	7.50	8.25	9.00	10.00

**Pay Rates Effective July 24, 2008**

<b>Pay Range</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
410	6.55	6.80	7.05	7.30	7.55	*8.05
414	7.30	7.55	7.80	8.05	8.30	*9.05
415	7.55	7.80	8.05	8.30	8.55	*9.30
420	7.80	8.05	8.55	9.30	10.05	11.05

\* These rates are established for supervisory positions only.

**SECTION 3.** A schedule of standard pay ranges established for **seasonal/limited** classifications for recreation positions in the Park Department in which employees are treated in accordance with the provisions of FLSA.

**Current Pay Rates**

<b>Pay Range</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
510	5.50	5.75	6.00	6.25	6.50	6.75
515	6.25	6.55	6.85	7.15	7.45	7.75
519	6.90	7.20	7.50	7.80	8.40	9.00
529	10.50	11.00	11.50	12.00	12.50	13.00

**Pay Rates Effective July 24, 2008**

<b>Pay Range</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
510	6.55	6.80	7.05	7.30	7.55	7.80
515	7.30	7.60	7.90	8.20	8.50	8.80
519	7.95	8.25	8.55	8.85	9.45	10.05
529	11.55	12.05	12.55	13.05	13.55	14.05

(THE REST OF THIS PAGE LEFT BLANK INTENTIONNALLY)

**SECTION 4.** A schedule of standard pay ranges established for positions in which employees are treated as non-exempt from the overtime provisions of FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS**

**December 13, 2008 – December 25, 2009**

Range	A	B	C	D	E	F	G
602	7.3250	7.5082	7.6959	7.8883	8.0855	8.2876	8.4948
606	7.9936	8.1934	8.3983	8.6082	8.8234	9.0440	9.2701
607	8.2977	8.5051	8.7178	8.9357	9.1591	9.3881	9.6228
608	8.6204	8.8359	9.0568	9.2833	9.5153	9.7532	9.9971
609	8.9723	9.1966	9.4265	9.6622	9.9037	10.1513	10.4051
610	9.3406	9.5741	9.8134	10.0588	10.3102	10.5680	10.8322
611	9.7134	9.9562	10.2051	10.4603	10.7218	10.9898	11.2646
612	10.1304	10.3837	10.6432	10.9093	11.1821	11.4616	11.7482
613	10.5532	10.8170	11.0874	11.3646	11.6487	11.9399	12.2384
614	11.0115	11.2868	11.5690	11.8582	12.1547	12.4585	12.7700
615	11.5022	11.7898	12.0845	12.3866	12.6963	13.0137	13.3391
616	12.0150	12.3154	12.6233	12.9389	13.2623	13.5939	13.9337
617	12.5606	12.8746	13.1965	13.5264	13.8646	14.2112	14.5665
618	13.1401	13.4686	13.8053	14.1504	14.5042	14.8668	15.2384
619	13.7545	14.0983	14.4508	14.8121	15.1824	15.5619	15.9510
620	14.3900	14.7498	15.1185	15.4965	15.8839	16.2810	16.6880
621	15.0888	15.4661	15.8527	16.2490	16.6553	17.0716	17.4984
622	15.8184	16.2139	16.6192	17.0347	17.4606	17.8971	18.3445
623	16.5855	17.0001	17.4251	17.8607	18.3072	18.7649	19.2341
624	17.4113	17.8466	18.2928	18.7501	19.2188	19.6993	20.1918
625	18.2785	18.7354	19.2038	19.6839	20.1760	20.6804	21.1974
626	19.1987	19.6787	20.1707	20.6749	21.1918	21.7216	22.2647
627	20.1743	20.6786	21.1956	21.7255	22.2686	22.8253	23.3960

Range	H	I	J	K	L	M	N	O
602	8.7072	8.9248	9.1480	9.3767	9.6111	9.8513	10.0976	10.3501
606	9.5019	9.7394	9.9829	10.2325	10.4883	10.7505	11.0192	11.2947
607	9.8634	10.1099	10.3627	10.6218	10.8873	11.1595	11.4385	11.7244
608	10.2470	10.5032	10.7657	11.0349	11.3108	11.5935	11.8834	12.1804
609	10.6653	10.9319	11.2052	11.4853	11.7724	12.0668	12.3684	12.6776
610	11.1030	11.3806	11.6651	11.9567	12.2556	12.5620	12.8761	13.1980
611	11.5462	11.8348	12.1307	12.4340	12.7448	13.0634	13.3900	13.7248
612	12.0419	12.3429	12.6515	12.9678	13.2920	13.6243	13.9649	14.3140
613	12.5444	12.8580	13.1794	13.5089	13.8467	14.1928	14.5476	14.9113
614	13.0893	13.4165	13.7519	14.0957	14.4481	14.8093	15.1795	15.5590
615	13.6725	14.0144	14.3647	14.7238	15.0919	15.4692	15.8560	16.2524
616	14.2821	14.6391	15.0051	15.3802	15.7647	16.1589	16.5628	16.9769
617	14.9306	15.3039	15.6865	16.0786	16.4806	16.8926	17.3149	17.7478
618	15.6194	16.0099	16.4101	16.8204	17.2409	17.6719	18.1137	18.5666
619	16.3497	16.7585	17.1774	17.6069	18.0471	18.4982	18.9607	19.4347
620	17.1052	17.5329	17.9712	18.4205	18.8810	19.3530	19.8368	20.3328
621	17.9359	18.3843	18.8439	19.3150	19.7979	20.2928	20.8001	21.3201
622	18.8031	19.2732	19.7550	20.2489	20.7551	21.2740	21.8059	22.3510
623	19.7149	20.2078	20.7130	21.2308	21.7616	22.3056	22.8632	23.4348
624	20.6966	21.2140	21.7444	22.2880	22.8452	23.4163	24.0017	24.6017
625	21.7274	22.2706	22.8273	23.3980	23.9829	24.5825	25.1971	25.8270
626	22.8213	23.3918	23.9766	24.5760	25.1904	25.8202	26.4657	27.1273
627	23.9809	24.5804	25.1949	25.8248	26.4704	27.1322	27.8105	28.5057

**SECTION 5.** A schedule of standard pay ranges established for professional positions in which employees are treated as non-exempt from the overtime provisions of FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS**  
**December 13, 2008 – December 25, 2009**

Range	A	B	C	D	E	F	G
926	19.1987	19.6787	20.1708	20.6750	21.1919	21.7215	22.2647
927	20.1743	20.6786	21.1956	21.7255	22.2686	22.8253	23.3959
928	21.1830	21.7127	22.2555	22.8119	23.3822	23.9667	24.5658
929	22.2423	22.7982	23.3682	23.9523	24.5512	25.1651	25.7941

Range	H	I	J	K	L	M	N	O
926	22.8218	23.3918	23.9766	24.5760	25.1904	25.8202	26.4657	27.1273
927	23.9809	24.5804	25.1949	25.8248	26.4704	27.1321	27.8104	28.5057
928	25.1801	25.8095	26.4547	27.1161	27.7941	28.4889	29.2011	29.9311
929	26.4390	27.0999	27.7775	28.4719	29.1838	29.9133	30.6611	31.4277

**SECTION 6.** A schedule of standard pay ranges established for Airport Safety positions in which employees are treated as non-exempt from the overtime provisions of FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS**

**December 13, 2008 – December 25, 2009**

Range	A	B	C	D	E	F	G
691*							
24 Hour Shift	12.0518	12.3530	12.6619	12.9785	13.3030	13.6355	13.9763
40 Hour Week	16.8725	17.2943	17.7266	18.1698	18.6240	19.0896	19.5669
692*							
24 Hour Shift	13.2569	13.5883	13.9281	14.2764	14.6331	14.9990	15.3739
40 Hour Week	18.5597	19.0236	19.4993	19.9868	20.4864	20.9986	21.5236

Range	H	I	J	K	L	M	N	O
691*								
24 Hour Shift	14.3258	14.6839	15.0510	15.4273	15.8129	16.2082	16.6134	17.0287
40 Hour Week	20.0560	20.5574	21.0714	21.5981	22.1381	22.6916	23.2588	23.8402
692*								
24 Hour Shift	15.7583	16.1523	16.5560	16.9700	17.3943	17.8291	18.2747	18.7318
40 Hour Week	22.0617	22.6132	23.1785	23.7580	24.3520	24.9606	25.5847	26.2244

\* Hourly rates in this pay range that are designated "24-Hour Shift" are for **airport safety** positions assigned to work 24-hour shifts with schedules based on a 27-day work period. The rates designated "40-Hour Week" are provided to accommodate the need to assign an employee in a position classification assigned to one of these ranges to a duty requiring that work be performed during a 40-hour per week schedule.

**SECTION 7.** A schedule of standard pay ranges established for commissioned and non-commissioned positions in the Police Department that are treated as non-exempt from the overtime provisions of the FLSA.

**December 13, 2008 – December 25, 2009**

Range	A	B	C	D	E	F	G
710	14.9835	15.3581	15.7421	16.1356	16.5390	16.9525	17.3763
711	15.8815	16.2785	16.6854	17.1026	17.5301	17.9684	18.4176
712	16.9054	17.3280	17.7612	18.2053	18.6604	19.1269	19.6051
714	18.1161	18.5690	19.0332	19.5090	19.9968	20.4967	21.0091
722	19.0770	---	---	---	---	---	---
723	19.9759	20.4753	20.9871	21.5118	22.0496	22.6009	23.1659
724	21.9461	22.4947	23.0571	23.6335	24.2243	24.8300	25.4507
725*	24.1341	24.7374	25.3558	25.9897	26.6395	27.3055	27.9881
727*	---	---	---	---	---	28.8444	29.5656

Range	H	I	J	K	L	M	N	O
710	17.8107	18.2560	18.7124	19.1802	19.6597	20.1512	20.6550	21.1713
711	18.8781	19.3500	19.8338	20.3296	20.8378	21.3588	21.8928	22.4401
712	20.0952	20.5976	21.1125	21.6403	22.1813	22.7359	23.3043	23.8869
714	21.5343	22.0727	22.6245	23.1901	23.7699	24.3641	24.9732	25.5976
722	---	---	---	---	---	---	---	---
723	23.7450	24.3387	24.9471	25.5708	26.2101	26.8653	27.5370	28.2254
724	26.0870	26.7391	27.4076	28.0928	28.7951	29.5150	30.2529	31.0092
725*	28.6878	29.4050	30.1401	30.8936	31.6660	32.4576	33.2691	34.1008
727*	30.3047	31.0623	31.8390	32.6348	33.4507	34.2869	35.1441	36.0227

\*Hourly rates in this pay range are for law enforcement positions assigned to work 42.5-hour schedules based on a 7-day work period.

**SECTION 8.** A schedule of standard pay ranges established for commissioned positions in the **Fire Department** in which employees are treated as non-exempt from the overtime provisions of FLSA.

**December 13, 2008 – December 25, 2009**

December 18, 2000

December 19, 2000

Range	A	B	C	D	E	F	G	
821	16.2772	---	---	---	---	---	---	
824	20.5315	21.0448	21.5709	22.1102	22.6629	23.2295	23.8102	
827* 24 Hr.	16.2602	16.6667	17.0834	17.5104	17.9482	18.3969	18.8568	
827* 40 Hr.	22.7643	23.3334	23.9167	24.5146	25.1275	25.7557	26.3996	
891* 24 Hr	13.2692	13.6009	13.9409	14.2895	14.6467	15.0129	15.3882	
891* 40 Hr	18.5769	19.0413	19.5173	20.0052	20.5054	21.0180	21.5435	
892* 24 Hr	14.6653	15.0320	15.4078	15.7930	16.1878	16.5925	17.0073	
892* 40 Hr.	20.5315	21.0448	21.5709	22.1102	22.6629	23.2295	23.8102	
893* 24 Hr.	16.2602	16.6667	17.0834	17.5104	17.9482	18.3969	18.8568	
893* 40 Hr.	22.7643	23.3334	23.9167	24.5146	25.1275	25.7557	26.3996	
Range	H	I	J	K	L	M	N	O
821	---	---	---	---	---	---	---	---
824	24.4055	25.0156	25.6410	26.2820	26.9391	27.6126	28.3029	29.0104
827* 24 Hr.	19.3283	19.8115	20.3068	20.8144	21.3348	21.8682	22.4149	22.9752
827* 40 Hr.	27.0596	27.7361	28.4295	29.1402	29.8687	30.6154	31.3808	32.1653
891* 24 Hr	15.7729	16.1672	16.5714	16.9857	17.4103	17.8456	18.2917	18.7490
891* 40 Hr	22.0820	22.6341	23.2000	23.7800	24.3745	24.9838	25.6084	26.2486
892* 24 Hr	17.4325	17.8683	18.3150	18.7729	19.2422	19.7233	20.2163	20.7217
892 *40 Hr.	24.4055	25.0156	25.6410	26.2820	26.9391	27.6126	28.3029	29.0104
893* 24 Hr.	19.3283	19.8115	20.3068	20.8144	21.3348	21.8682	22.4149	22.9752
893* 40 Hr.	27.0596	27.7361	28.4295	29.1402	29.8687	30.6154	31.3808	32.1653



\*Hourly rates in this pay range that are designated "24-Hour Shift" are for fire protection positions assigned to work hour shifts with schedules based on a 27-day work period. The rates designated "40-Hour Week" are provided to accommodate the need to assign an employee in a position classification assigned to one of these ranges to a duty requiring that work be performed during a 40-hour per week schedule.

## **SECTION 9. Other Provisions**

- a. Unless otherwise indicated in the schedule contained in Sections 1 through 8 above, the pay ranges enumerated in said Sections shall constitute the total pay received by employees, subject to the following exceptions:
- (1) Commissioned officers of the Police Department who are required to wear uniforms while on duty will be issued a complete uniform. All uniform items issued under the uniform program shall remain the property of the City of Wichita.
  - (2) Commissioned Police Department Personnel, as well as Traffic Safety Officers, Warrant Officers, Station Clerks, and Crime Scene Investigators shall be allowed up to a maximum of \$650 in department credit or vouchers for replacement of uniforms and/or civilian attire in accordance with departmental policy. Uniformed employees may expend up to \$200 of the allowance for civilian attire each year. This provision applies below the rank of Deputy Police Chief. It does not apply to civilianized positions that are not required to be in uniform.
  - (3) All members of the Reserve Police Force may, at the discretion of the City Manager, be paid up to but not exceeding the sum of \$60.00 per year, in accordance with the clothing maintenance and allowance program promulgated and administered by the City Manager, which program may be revised and amended.
  - (4) Commissioned officers of the Fire Department who are required to wear uniforms while on duty will be paid up to but not exceeding the additional sum of \$600. This provision applies to positions below the rank of Deputy Fire Chief.

Protective clothing will be furnished to such members of the Fire Department as may be designated by the Director of the Department. Protective clothing shall include bunkers, coats, boots, and any other items that the City Manager may authorize.

- (5) Uniforms may be prescribed for employees in positions whose duties bring them in frequent contact with the public. Department directors may acquire, with approval of the City Manager, uniforms within budgeted amounts.
- (6) Service Officers, Security Screeners and Security Officers in the Police Department shall be allowed up to a maximum of \$450.00 in department credit or vouchers for replacement of uniforms in accordance with Departmental Policy. No allowance shall be paid in the year of initial uniform issue or any subsequent year in which all new uniforms are issued.

The City Manager may approve an annual uniform allowance or credit vouchers up to a maximum of \$125.00 for other noncommissioned City employees required to wear a standardized uniform in the performance of their assigned duties. The allowance will vary depending upon the actual costs of replacing different kinds of uniforms and departmental policy. The City Manager shall determine which positions will require such uniforms and may revise and amend such determination at his/her discretion.

Reimbursement shall be made to eligible employees, of an amount not to exceed \$150.00, expended for safety boots that meet the specifications set by the City. The City Manager shall determine which positions are eligible and may revise and amend such determination at his/her discretion.

- (7) Commissioned officers of the Police Department who have received a degree from a four-year college or university will receive \$110.00 per month for a bachelor's degree or \$135.00 per month for a master's degree. The degree must be in Administration of Justice, a related field, or be approved the Department Director and the City Manager. These employees are not eligible for the Tuition Reimbursement program.

- (8) Commissioned members of the Fire Department shall receive education pay of \$50.00 per month for a bachelor's degree or \$75.00 per month for a master's degree from a college or university accredited by an agency recognized by the Kansas Board of Regents and certified as eligible by the Human Resources Department. These employees are not eligible for the Tuition Reimbursement program.
- (9) Airport Police and Fire Officers represented by the Teamsters Union Local #795 shall receive education pay of \$50.00 per month for a bachelor's degree or \$75.00 per month for a master's degree from a college or university accredited by an agency recognized by the Kansas Board of Regents and certified as eligible by the Human Resources Department. These employees are not eligible for the Tuition Reimbursement program.
- (10) Police Department personnel who are assigned to duty requiring regular and frequent aerial flights shall be entitled to Special Duty Pay, not to exceed \$60.00 per pay period in which at least ten (10) flight hours are logged. Special Duty Pay also applies to Police Department personnel who are certified/trained and assigned to bomb duty, clandestine labs, canine or SWAT duty; they shall be compensated \$60.00 per pay period in addition to their regular pay. An employee may receive only one category of Special Duty Pay.
- (11) IAFF-represented Fire Department personnel who are certified as, and members of, the team assigned to Arson Investigation, Haz-Mat or Technical Rescue, will receive an additional \$35.00 per pay period. This provision also applies to Fire Battalion Chiefs who qualify. An employee may receive only one category of Special Duty Pay.
- (12) Airport Police and Fire Officers represented by the Teamsters Union Local #795 shall receive \$35.00 per pay period in addition to their base pay upon satisfactory completion of an accredited Emergency Medical Technician (EMT) course.
- (13) Police Officers who are assigned to Field Training Officer duty shall be entitled to an additional \$0.80 per hour while actually assigned to the training of newly commissioned officers and newly commissioned reserve police officers. This shall occur only during the training cycle or remedial training cycle established for such new officers (or such training cycle as may be approved by the Chief of Police). Police Sergeants who are assigned to a Police Field Training Sergeant duty shall be entitled to an additional \$0.70 per hour while actually assigned to supervise the training of newly commissioned officers and newly commissioned reserve police officers. This pay shall only occur during the training cycle or remedial training cycle established for such new officers (or such training cycle as may be approved by the Chief of Police).
- (14) FOP-represented employees who opt to take and pass an annual fitness test will receive a \$100 bonus for each year in which they pass the test.
- (15) Shift differential will be paid at a rate of \$.75 per hour for hours actually worked between 6:00 p.m. and 6:00 a.m. for full-time non-exempt employees represented by the Service Employees' International Union or by Employees' Council.

The following work time will be used to differentiate between shifts for employees in the Fire Department represented by the International Association of Fire fighters:

1 <sup>st</sup> Shift: From	4:00 a.m. to 2:59 p.m.
2 <sup>nd</sup> Shift: From	3:00 p.m. to 9:59 p.m.
3 <sup>rd</sup> Shift: From	10:00 p.m. to 3:59 p.m.

The following work time will be used to differentiate between shifts for employees represented by the Fraternal Order of Police:

1 <sup>st</sup> Shift: From	6:00 a.m.	To: 10:00 a.m.
2 <sup>nd</sup> Shift: From	10:00 a.m.	To: 5:00 p.m.
3 <sup>rd</sup> Shift: From	5:00 p.m.	To: 11:00 pm.
4 <sup>th</sup> Shift: From	11:00 p.m.	To: 6:00 a.m.

Employees represented by the Fraternal Order of Police shall receive \$0.75 per hour shift

differential for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> shift, in addition to regular wages.

Employees of the Fire Department represented by the International Association of Fire Fighters who work a 40 hour week will receive \$0.15 per hour differential for 2<sup>nd</sup> shift and \$0.25 per hour for 3<sup>rd</sup> shift.

- (16) An employee who is put on standby status shall be compensated at the rate of \$1.00 per hour for every hour on standby status.
- (17) Allowance for travel expenses or for the use of personally owned vehicles may be made by the City Manager; and such other expenses incurred in, and as part of, official City business as shall be authorized and approved by the City Manager.

Any subsistence furnished employees shall be deducted from the gross pay in the amount of the equivalent cash value as determined by the City Manager.

- (18) In recognition of long and faithful service the City Manager may approve longevity pay for certain employees in addition to other remuneration received. Such payments may commence upon the completion of six years total accumulative municipal employment, and continue each year thereafter so long as an employee shall remain in the active service of the City. The payment shall be an amount not to exceed \$2.00 times the total years of service, per month, e.g., \$2.00 X 10 years of service = \$20.00 per month payment. For employees with over eleven years accumulative City employment, the payment shall be \$5.00 time the total years of service per month, e.g., \$5.00 X 12 years of service = \$60.00 per month in payment. Refer to the Memorandum of Agreement for longevity pay for Teamsters Union Local #795 (Transit) positions.
- (19) The City Manager may authorize compensation to employees serving in an acting capacity, at the pay range of such position being filled, when such acting capacity is expected to exceed four (4) weeks, or in accordance with approved Memoranda of Agreement with recognized employee organizations.
- (20) If an employee moves into a new classification because of a reclassification, or if an employee receives a pay range reduction, and if the employee's pay is more than the maximum pay in the new range, the employee's pay will be reduced to the maximum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate. Such employees may not receive further merit or cost of living increases until the pay range equals or exceeds the amount paid the employee.

If an employee moves into a higher classification due to a reclassification, and if the employee's pay falls below the minimum of the new range, the employee's pay will be increased to the minimum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate for up to six months following the reclassification.

- b. In addition to the compensation provided for above, there shall be paid to each employee coming within the provisions of the Kansas Workers' Compensation Act during any period of total disability compensable under said Act for a period not exceeding 90 consecutive calendar days from date of injury, his/her net pay less compensation payments received under the provisions of said Act.
- c. The City Manager shall certify the classification and compensation of each employee of the City of Wichita, and any change of classification or compensation of any employee.
- d. The City Manager shall formulate such rules and regulations as shall be necessary to carry out the purposes and intent of this Ordinance, and to establish equitable conditions of employment under the various departments and employees, including all available employee benefits.
- e. The Human Resources Director shall keep permanent records of the certification of classification and payment as is provided for in this Ordinance.
- f. The City Manager is authorized to adjust the scheduled pay ranges for specific positions, in an amount not to exceed 10%, to avoid inequities or address compression issues which may arise. In the event the City Manager exercises this authority to adjust the pay ranges, he/she shall make available to the City

Council, upon request, information regarding such adjustment, and such adjustments shall be reflected in future general ordinances establishing position classifications and pay rates.

- g. If the City Manager of the City of Wichita should decide to create a new classification of positions and prescribe payments for such classifications, he/she shall make available a statement of the duties and responsibilities of such classification, together with the proposed compensation for such classification to the City Council upon request.
- h. The City of Wichita is hereby authorized to withhold from the salaries and wages of its employees such sums as they may designate.
- i. Any compensation granted as a bonus or one-time payment to an employee in any retirement plan will not be subject to retirement withholding nor will it be included in the final average salary of a retiring employee.
- j. Nothing in this Section shall be construed in any way to limit the administrative discretion of the City Manager to, within budgetary limits, increase or decrease pay rates of individual positions within the pay ranges prescribed for the position classifications, provided the certification is made to the Human Resources Director as provided herein.

**SECTION 11.** A listing of the position classifications and their pay ranges, as reflected in the current salary ordinance, is provided by appendix to this Section.

**SECTION 12.** Ordinance No. 48-152 is hereby repealed.

**SECTION 13.** This ordinance shall take effect retroactively on December 13, 2008, and be published in the official city newspaper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Carl Brewer, Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Correction to Transit Teamster Pay Rates in the Non-exempt Salary Ordinance

**INITIATED BY:** Human Resources

**AGENDA:** New Business

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**Recommendation:** Approve the corrected ordinance and place it on first reading.

**Background:** The Non-exempt Employee Salary Ordinance to implement the negotiated Addendum to the bargaining agreement with Teamsters Union Local #795, representing covered Wichita Transit employees, was passed by Council on December 16, 2008. Today's item is to correct the Addendum's pay matrix.

**Analysis:**

The corrections are to C-step of pay ranges 314 and 315 for 2009 and 1010. In 2009, this step should have been \$11.8902 in both ranges instead of \$11.8488. In 2010, this step should have been \$12.2469 in both ranges instead of \$12.2042. These are bolded on page 1 of the attached ordinance.

No other steps are affected.

**Financial Considerations:** There is no additional cost to these corrections. The correct rates were negotiated and budgeted for 2009 and 2010.

**Goal Impact:** This agreement falls under the Internal Perspective and Infrastructure Goals, but there is no impact of these corrections.

**Legal Considerations:** The Department of Law has reviewed the ordinance and approved as to form.

**Recommendations/Actions:** It is recommended that the City Council adopt the ordinance and place it on first reading.

## Exempt & Management

### ORDINANCE NO. 48-179

#### AN ORDINANCE PROVIDING FOR A UNIFORM SCHEDULE OF STANDARD PAY RANGES FOR EXEMPT EMPLOYEES OF THE CITY OF WICHITA, REPEALING ORDINANCE NO. 48-130

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

### SALARY RANGES

**SECTION 1.** The following pay rates are established for the *Exempt & Management Pay Plan*. Salaries are expressed in minimum and maximum annual rates.

#### 2009 Salary Ranges

	Minimum	Maximum
B32	\$31,768	\$54,534
C41	\$35,699	\$63,473
C42	\$39,357	\$69,975
C43	\$43,013	\$76,477
C44/C51	\$46,641	\$85,786
C45/C52	\$54,499	\$95,684
D61	\$58,040	\$105,298
D62	\$61,722	\$111,976
D63	\$65,402	\$118,654
D71	\$68,666	\$128,592
D72	\$74,086	\$138,743
E81	\$77,124	\$148,946
E82	\$80,666	\$155,786
E83	\$84,209	\$162,627

### **SECTION 2. Other Provisions**

- a. Unless otherwise indicated in the schedule contained in Section 1 above, the pay ranges enumerated in said Sections shall constitute the total pay received by employees, subject to the following exceptions:
- (1) Police Captains shall be allowed up to a maximum of \$650.00 in department credit or vouchers for replacement of uniforms and/or civilian attire in accordance with departmental policy. This provision does not apply to Deputy Police Chiefs or the Police Chief, or to civilianized positions that are not required to be in uniform.
  - (2) Fire Battalion Chiefs and Fire Division Chiefs who are required to wear uniforms while on duty shall be allowed up to a maximum of \$600. This provision will not apply to Deputy Fire Chiefs or the Fire Chief.

Protective clothing will be furnished to such members of the Fire Department as may be designated by the Director of the Department. Protective clothing shall include bunkers, coats, boots, and any other items which the City Manager may authorize.
  - (3) Uniforms may be prescribed for employees in positions whose duties bring them in frequent contact with the public. Department directors may acquire, with approval of the City Manager, uniforms within budgeted amounts.
  - (4) The City Manager may approve an annual uniform allowance or credit vouchers up to a maximum of \$125.00 for other noncommissioned City employees required to wear a standardized uniform in the performance of their assigned duties. The allowance will vary depending upon the actual costs of replacing different kinds of uniforms and departmental policy. The City Manager shall determine

which positions will require such uniforms and may revise and amend such determination at his/her discretion.

Reimbursement shall be made to eligible employees, of an amount not to exceed \$150.00, expended for safety boots that meet the specifications set by the City. The City Manager shall determine which positions are eligible and may revise and amend such determination at his/her discretion.

- (5) Police Captains who have received a degree from a four-year college or university will receive \$110.00 per month for a bachelor's degree or \$135 per month for a master's degree. The degree must be in Administration of Justice, a related field, or be approved by the Department Director and the City Manager. These employees are not eligible for the Tuition Reimbursement Program. This provision does not apply to the Deputy Police Chiefs or the Police Chief.
- (6) Police Captains who are assigned to duty requiring regular and frequent aerial flights shall be entitled to Hazardous Duty pay not to exceed \$60.00 per payday for each month in which at least twenty (20) flight hours are logged, under a special allowance program promulgated and administered by the City Manager, which program may be revised and amended at his/her discretion. Police Department personnel who are certified/trained and assigned to bomb duty, clandestine labs, canine and SWAT duty, shall be compensated in addition to their regular pay, \$60.00 per pay period. This provision does not apply to Deputy Police Chiefs or the Police Chief.
- (7) Fire Battalion Chiefs and Fire Division Chiefs shall receive education pay of \$50.00 per month for a bachelor's degree or \$75.00 per month for a master's degree, from a college or university accredited by an agency recognized by the Kansas Board of Regents and certified as eligible by the Human Resources Department. These employees are not eligible for the Tuition Reimbursement Program. This provision does not apply to the Deputy Fire Chiefs or the Fire Chief.
- (8) Fire Battalion Chiefs who are certified as, and members of, the team assigned to Arson Investigation, Haz-Mat or Technical Rescue, will receive an additional \$35.00 per pay period. An employee may receive only one category of Special Duty Pay.
- (9) Airport Safety Personnel, and, if not commissioned, the incumbent of the Fire and Medical Rescue Coordinator will receive \$35.00 per pay period in addition to their base pay upon satisfactory completion of an accredited Emergency Medical Technician course.
- (10) Allowance for travel expenses or for the use of personally owned vehicles may be made by the City Manager; and such other expenses incurred in, and as part of, official City business as shall be authorized and approved by the City Manager.

Any subsistence furnished employees shall be deducted from the gross pay in the amount of the equivalent cash value as determined by the City Manager.

- (11) In recognition of long and faithful service, the City Manager may approve longevity pay for certain employees in addition to other remuneration received. Such payments may commence upon the completion of six years total accumulative municipal employment, and continue each year thereafter so long as an employee shall remain in the active service of the City. The payment shall be an amount not to exceed \$2.00, times the total years of service, per month, e.g., (2.00 X 10 years of service = \$20.00 per month payment.) For employees with over eleven years accumulative municipal employment, the payment shall be \$5.00 times the total years of service per month, e.g. \$5.00 times 12 years of service = \$60.00 per month in payment.
- (12) At the discretion of the City Manager, the maximum of a pay range may be exceeded by not more than 10% for a specified period of time to compensate any Department Director if broader or higher level administrative responsibility is regularly assigned to that position.
- (13) The City Manager may authorize compensation to employees serving in an acting capacity, at the pay range of such position being filled, when such acting capacity is expected to exceed four weeks.
- (14) The compensation for Tennis Professional will include, in addition to base salary from its

stated salary range, performance incentives calculated and tied into the month-end revenues generated at the tennis facility from all sources, including tennis lessons. The percentages will increase as these accumulated revenues increase throughout the year. The monthly calculation percentage is based on the revenue table shown below. ("Private Lessons" and "Group Lessons" refer to lessons taught by the Tennis Professional. "Other Lessons" refer to lessons taught by other instructors.)

Tennis Center Total Revenue	Up to \$40,000	\$40,000.01 to \$90,000	\$90,000.01 to \$140,000	Over \$140,000
Private Lessons	30%	40%	50%	60%
Group Lessons	20%	20%	30%	30%
Leagues	10%	10%	<b>20%</b>	<b>20%</b>
Tournaments	10%	10%	20%	20%
Other Lessons	5%	5%	10%	10%
Special/Social Events	10%	10%	20%	20%

- (15) If an employee moves into a new classification due to a reclassification, or if an employee receives a pay range reduction, and if the employee's pay is more than the maximum pay in the new range, the employee's pay will be reduced to the maximum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate. Such employees may not receive further merit or cost of living increases until the pay range equals or exceeds the amount paid to the employee.

If an employee moves into a higher classification due to a reclassification, and if the employee's pay falls below the minimum of the new range, the employee's pay will be increased to the minimum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate for up to six months following the reclassification.

- b. In addition to the compensation provided for above, there shall be paid to each employee coming within the provisions of the Kansas Workers' Compensation Act during any period of total disability compensable under said Act for a period not exceeding 90 consecutive calendar days from date of injury, his/her net pay less compensation payments received under the provisions of said Act.
- c. The City Manager shall certify the classification and compensation of each employee of the City of Wichita, and any change of classification or compensation of any employee.
- d. The City Manager shall formulate such rules and regulations as shall be necessary to carry out the purposes and intent of this Ordinance, and to establish equitable conditions of employment under the various departments and employees, including all available employee benefits.
- e. The Human Resources Director shall keep permanent records of the certification of classification and payment as is provided for in this Ordinance.
- f. The City Manager is authorized to adjust the scheduled pay ranges for specific positions, in an amount not to exceed 10%, to avoid inequities or address compression issues which may arise. In the event the City Manager exercises this authority to adjust the pay ranges, he/she shall make available to the City Council, upon request, information regarding such adjustment, and such adjustments shall be reflected in future general ordinances establishing position classifications and pay rates.
- g. If the City Manager of the City of Wichita should decide to create a new classification of positions and prescribe payments for such classifications, he/she shall make available a statement of the duties and responsibilities of such classification, together with the proposed compensation for such classification to the City Council upon request.
- h. The City of Wichita is hereby authorized to withhold from the salaries and wages of its employees such sums as they may designate.



- i. The City Manager is authorized to establish pay plans for employees who are exempt from the provisions of the Fair Labor Standards Act. The City Manager shall determine the actual pay for each position within the minimum and maximum pay levels for the position.
- j. Any compensation granted as a bonus or one-time payment to an employee in any retirement plan will not be subject to retirement withholding nor will it be included in the final average salary of a retiring employee.
- k. Nothing in this Section shall be construed in any way to limit the administrative discretion of the City Manager to, within budgetary limits, increase or decrease pay rates of individual positions within the pay ranges prescribed for the position classifications, provided the certification is made to the Human Resources Director as provided herein.

**SECTION 4.** A listing of the position classifications and their pay ranges, as reflected in the current salary ordinance, is provided by appendix to this Section.

**SECTION 6.** Ordinance No. 48-130 is hereby repealed.

**SECTION 7.** This ordinance shall take effect retroactively to November 3, 2008, and be published in the official city newspaper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law and City Attorney

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Correction to Tennis Professional Incentives in Exempt Salary Ordinance

**INITIATED BY:** Human Resources

**AGENDA:** New Business

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**Recommendation:** Approve the amended ordinance and place it on first reading.

**Background:** Salary ordinances establish pay rates, plus any other pay provisions. This Exempt Employee Salary Ordinance implements incentives for the Tennis Professional. The incentives were approved by the City Council in December, 2008. This item is to correct one category of incentives.

**Analysis:**

The following are the text and table added to the ordinance under Section 2. Other Provisions, subsection a, paragraph (14). The corrected incentives are bolded in the table below for “Leagues,” from 15% to 20% to match the final tennis professional agreement.

Tennis Center Total Revenue	Up to \$40,000	\$40,000.01 to \$90,000	\$90,000.01 to \$140,000	Over \$140,000
Private Lessons	30%	40%	50%	60%
Group Lessons	20%	20%	30%	30%
Leagues	10%	10%	<b>20%</b>	<b>20%</b>
Tournaments	10%	10%	20%	20%
Other Lessons	5%	5%	10%	10%
Special/Social Events	10%	10%	20%	20%

**Financial Considerations:** The Center’s 2009 Adopted Budget is \$199,080. It is anticipated that performance incentives could cost approximately \$30,000.

**Goal Impact:** The Riverside Tennis Center enhances the Quality of Life by providing educational and competitive athletic opportunities. The human resources and financial impacts fall under the Internal Perspective.

**Legal Considerations:** The Department of Law has reviewed the ordinance and approved as to form.

**Recommendations/Actions:** It is recommended that the City Council adopt the ordinance and place it on first reading.



# Southwest Corner of 1st and Waco



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



**CITY OF WICHITA**  
**City Council Meeting**  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** City-owned Parcel at the Southwest Corner of 1<sup>st</sup> Street and Waco (District VI)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

-----  
**Recommendation:** Authorize staff to negotiate a contract

**Background:** In August 2008, staff was directed to solicit offers for the City-owned parcel at the southwest corner of 1<sup>st</sup> Street and Waco. Information was sent to area real estate firms, developers and CCIM's. The property was also advertised on the Internet and in the newspaper. The parcel has approximately 98,629 square feet and is zoned Central Business District. It is currently utilized as a surface parking lot. It is immediately north of the Broadview Hotel and has 169 feet of frontage on Waco and approximately 340 feet along the Big Arkansas River.

**Analysis:** A proposal was received from the YMCA. They wish to develop the site as the location for a new, state of the art facility in the downtown area. The facility will serve as a flagship YMCA that will promote the community's commitment to youth, families and quality of life. It will serve as a community gathering spot and will aid in attracting young professionals to downtown. This use will maximize utilization of the river and the River Corridor Project improvements. Staff is seeking permission to enter into formal negotiations with the YMCA for this parcel.

**Financial Considerations:** The City will receive consideration for the property. In addition, the sale of this property to a private party will relieve the City of any maintenance costs.

**Goal Impact:** The redevelopment of this property will support a dynamic core area and improve the quality of life in the downtown area.

**Legal Considerations:** The Law Department will approve the contract and any other required documents as to form.

**Recommendation/Action:** It is recommended that the City Council authorize staff to negotiate an agreement with the YMCA for its acquisition of the City-owned parcel at 1<sup>st</sup> and Waco.

**Attachments:** Aerial.

**City of Wichita**  
**City Council Meeting**  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** DER 2008-10: Amendments to the Wichita-Sedgwick County Subdivision Regulations. (All Districts)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning (Consent)

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**Staff Recommendation:** Approve the amendments.

**MAPC Recommendation:** Approve the amendments. (12-0)

**Background:** The amendments, prepared by staff and a subcommittee of the MAPC, involve minor changes consisting of the following:

Global Changes:

- Capitalization changed to consistent usage
- Names of entities updated
- Terminology corrected
- Redundancies deleted
- Cross references corrected
- Numerical references corrected

Specific changes:

See attached summary of changes

**Legal Considerations:** The amendments will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. The City Council and the Board of Sedgwick County Commissioners will need to approve the amendments in order for them to be in full effect. Both the City and County Legal Departments have reviewed the amendments and approved the form for the respective adopting Ordinance and Resolution.

**Financial Consideration:** None.

**Goal Impact:** Ensure Efficient Infrastructure.

**Recommendations/Action:** Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations and approve first reading of the Ordinance.

**ORDINANCE NO. 48-180**

**AN ORDINANCE AMENDING SECTION 28.05.010 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING BY REFERENCE THE "WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, DECEMBER 4, 2008 EDITION", PREPARED BY THE METROPOLITAN AREA PLANNING COMMISSION; AND REPEALING THE ORIGINAL OF CHAPTER 28.05 OF THE CODE OF THE CITY OF WICHITA; AND REPEALING THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS JANUARY 28, 1999 EDITION, AND AMENDMENTS THERETO.**

**WHEREAS**, under the authority of K.S.A. 12-741, et seq., the City of Wichita and Sedgwick County desire to adopt a new edition of The Wichita-Sedgwick County Subdivision Regulations to exercise broadly the powers granted to the City and County; and,

**WHEREAS**, pursuant to K.S.A. 12-3009, the City of Wichita is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;**

**SECTION 1.** Section 28.05.010 of the Code of the City of Wichita is hereby amended to read as follows: "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition," prepared by the Wichita-Sedgwick County Metropolitan Area Planning Commission is by reference incorporated in and by this publication made part of this title and chapter as fully as though set out at length herein and is adopted as the Subdivision Regulations for the City of Wichita.

**SECTION 2.** The originals of Chapter 28.05 of the Code of the City of Wichita and the Wichita-Sedgwick County Subdivision Regulations January 28, 1999 Edition, and amendments thereto, are hereby repealed.

**SECTION 3.** This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

**PASSED AND ADOPTED** by the governing body at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**Summary of Changes with comments/sources**  
(August 12, 2008)

**Global changes**

**Capitalization changed to consistent usage.**

Examples:

- |       |  |
|-------|--|
| 2-101 | “Et Seq.” changed to “et seq.”         |
| 3-101 | “regulations” changed to “Regulations” |

**Names of entities were updated**

Examples:

- |          |  |
|----------|--|
| 3-201    | “Department of Code Enforcement of Sedgwick County”<br>changed to “Sedgwick County Code Enforcement”                             |
|          | “Board of Commissioners of the County of Sedgwick”<br>changed to “Sedgwick County Board of County<br>Commissioners”              |
|          | “City of Wichita - Department of Environmental Health”<br>changed to “City of Wichita - Department of Environmental<br>Services” |
| 8-103(C) | “Kansas State Board of Health” changed to “Kansas<br>Department of Health and Environment”                                       |

**Terminology corrected**

Examples:

- |             |  |
|-------------|--|
| 3-402(A)    | “This code” changed to “these Regulations”   |
| 3-402(C)    | “Within the unincorporated county” changed to “within the unincorporated<br>area”                      |
| 4-701       | “City Council or County Commissioners” changed to “City Council or<br>Board of County Commissioners”   |
| 5-302(B)(2) | “National Geodetic Vertical Datum (NGVD)” changed to “North<br>American Vertical Datum 1988 (NAVD88) ” |
| 5-402(P)    | “Mean Sea Level” replaced by “NAVD88” – Last sentence containing<br>reference to City Datum deleted    |
| 5-403(E)    | “Surrounding” changed to “directly affected”   |



- 6-102(C)      Option for drawing or survey to be submitted with lot split request changed to only allowing a survey by a registered land surveyor
  
- 7-102            Requirement that a subdivision not conflict with the Comprehensive Plan changed to show the subdivision should conform to the Comprehensive Plan
  
- 7-201(G)(1)    Added statement that right of way width for business, office, commercial and industrial areas is 58 feet without parking lanes
  
- 7-201(G)(3)(A)(2)    Added statement that right of way width for continuous through streets more than 3 blocks long is 58 feet if only one side is required to have a parking lane
  
- 7-205(C)        Vision triangle requirements clarified
  
- 7-207(J)(5)     New requirement added for plattor to reference reserves for recreational uses including neighborhood swimming pools
  
- 8-102            Reference to Health Department deleted due to elimination of joint city-county health department
  
- 8-103(L)        Required improvements for properties subject to flooding, previously limited to certain subdivisions, extended to all subdivisions
  
- 9-103 (G)        This subsection deleted and replaced by "All plans shall be based on NAVD88 (North American Vertical Datum 1988) for vertical control"
  
- 11-102           References to "licensed surveyors" changed to "registered surveyors"

**Redundancies deleted**

- 4-601            Reference to "these Subdivision Regulations" changed to "these Regulations"
  
- 5-302(B)(7)    The phrase "if any" deleted

**Cross references corrected**

Examples:

- 4-102            3-301(A)(1) changed to 3-301
  
- 5-302(O)        12-512(b) changed to 12-512b
  
- 5-402(D)(2)    "The provisions of these regulations" changed to 8-103(I)



**Numerical references were corrected to include written and numeral**

**Examples:**

Page 7-10      (4) changed to four (4)  
                     (15') changed to fifteen feet (15')  
                     five-foot changed to five-foot (5')  
                     15 foot changed to fifteen foot (15')

**Specific changes**

- 2-101(9)      “Necessary” changed to “appropriate”
- 3-204(B)      Clarify planning commission action regarding preliminary plats
- 3-204(C)      Clarify planning commission action regarding one step or final plats
- 4-501 thru 4-503  
Entire sections on procedure for approval of plats for small tracts deleted
- 5-101(C)(2)   Delete requirement that plats show computations
- 5-201(C)      Clarified topographic survey shown on sketch plats of physical conditions is for surface conditions
- 5-201(E)      Deleted requirement sketch plats include statement of covenants and available community facilities or utilities
- 5-201(F)      Deleted requirement sketch plats include copies of existing or proposed deed restrictions or covenants
- 5-302(B)(4)   Preliminary plat requirement to show isolated preservable trees changed to showing tree rows
- 5-302(C)(1)   Requirement to show streets on preliminary plats clarified
- 5-302(D)(3)   Requirement that preliminary plat include statement of manner of financing for improvements deleted
- 5-302(E)(4)   Last sentence deleted
- 5-402(R)      New subsection added requiring name, address and phone number of surveyor
- 7-204(F)      Reference to “the zoning ordinance or health code applicable to the property” changed to “zoning code or any other code applicable to the property”
- 7-205(A)      Added to first sentence: "in order to meet current standards"
- 7-207(G)      Last sentence deleted

- 8-102            The improvement “Storm Sewer Systems” shall be listed as “Storm Sewer Systems/Storm Water Management” and the appropriate engineer shall be listed as “Stormwater Engineer”
- 8-103(A)        Sentence referring to prohibition against use of oiled surface, macadam or similar material deleted
- 8-103(C)        Modified to conformance with revisions to Sedgwick County Sanitary Code
- 11-101           New subsection added incorporating definitions of words and phrases used in Unified Zoning Code except where the subdivision regulations have a different definition stated
- 11-102           Definition of City Datum deleted
- Definition of “environmentally sensitive area” deleted since not used in the regulations
- Definition of stormwater added
- 13-202           Effective date of these amendments to be added
- Name of chairperson and secretary of MAPC added for signature lines

**EXCERPT OF THE DECEMBER 4, 2008 METROPOLITAN AREA PLANNING COMMISSION  
MEETING**

**DER2008-10: Amendments to the Subdivision Regulations to Correct Terminology, Cross References, Inconsistencies and to Delete Redundancies.**

NEIL STRAHL, Planning Staff presented the Staff Report. He said this amendment includes non-substantive changes to the Subdivision Regulations. He said corrections and clarifications were made, and ambiguities were addressed. He said this was first reviewed by a subcommittee of the MAPC including MAPC members, legal staff and MAPD staff, and then it was approved by the Subdivision Committee. He referred Commission members to the delineated copy of the changes provided with the agenda. He said since the changes were of a comprehensive nature, staff is requesting adoption of a new edition which will result in new Subdivision Regulation document involving a new Table of Contents. He said this will be republished and forwarded to City Council on January 6, 2009 and the Board of County Commissioners on Jan 7, 2009. He said the motion and action today will need to make reference to this specific document: "The Wichita-Sedgwick County Subdivision Regulations December 4, 2008 Edition".

**MOTION:** To approve "The Wichita-Sedgwick County Subdivision Regulations December 4, 2008 Edition" subject to the recommendation of the Subdivision Committee and staff recommendation.

MITCHELL moved, MCKAY seconded the motion, and it carried (12-0).

ORDINANCE NO. \_\_\_\_\_

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**PASSED AND ADOPTED** by the governing body at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

# **WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS**

**DECEMBER 4, 2008 EDITION**

**EFFECTIVE: FEBRUARY \*12, 2009 (CITY)**

**JANUARY \*23, 2009 (COUNTY)**

**\*TO BE ADDED AFTER PUBLICATION OF THE RESOLUTION/ORDINANCE**

## **TABLE OF CONTENTS**

<b>ARTICLE</b>	<b>PAGE</b>
<b>ARTICLE 1. SHORT TITLE</b>	<b>1-1</b>
<b>ARTICLE 2. INTENT AND PURPOSE</b>	<b>2-1</b>
<b>ARTICLE 3. GENERAL PROVISIONS</b>	<b>3-1</b>
<b>PART 1. JURISDICTION, APPLICATION AND EXEMPTIONS</b>	
3-101. Jurisdiction	3-1
3-102. Exception to Jurisdiction	3-1
(A) Haysville Area	3-1
(B) Derby Area	3-1
(C) Mulvane Area	3-2
(D) Valley Center Area	3-2
(E) Other Cities	3-2
3-103. Plat Referral to Other Cities	3-2
3-104. Applicability	3-3
3-105. Exemptions	3-4
3-106. Vesting of Development Rights	3-6
<b>PART 2. ADMINISTRATION AND ENFORCEMENT</b>	
3-201. Division of Responsibility	3-7
3-202. Duties of the Planning Department	3-7
3-203. Duties of the Zoning Administrator	3-8
3-204. Duties of the Planning Commission	3-8
3-205. Duties of the Wichita City Council and the Board of County Commissioners	3-8
3-206. Subdivision Committee of the Planning Commission	3-9
3-207. Utility Advisory Committee	3-9

**PART 3. FILING FEES**

3-301. Filing Fees	3-9
--------------------	-----

**PART 4. ENFORCEMENT AND PENALTY**

3-401. Enforcement	3-9
3-402. Penalty	3-9

**ARTICLE 4. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS****PART 1. SKETCH PLATS** 4-1

4-101. Application for Subdivision Approval	4-1
4-102. Filing Fee	4-1
4-103. Development of Sketch Plat	4-1
4-104. Failure to Agree on Sketch Plat	4-1

**PART 2. THE PRELIMINARY PLAT**

4-201. Filing of Preliminary Plat	4-1
4-202. Filing Fee	4-1
4-203. Contents of Preliminary Plat	4-2
4-204. Distribution and Review of Preliminary Plat	4-2
4-205. Action by Planning Commission on Preliminary Plat	4-2
4-206. Failure of Subdivision Committee to Act on Preliminary Plat	4-3
4-207. Effect of Approval of Preliminary Plat	4-3

**PART 3. FINAL PLATS**

4-301. Filing of Final Plats	4-3
4-302. Action of Subdivision Committee	4-3
4-303. Action by the Planning Commission	4-4
4-304. Failure of Planning Commission to Act on Final Plat	4-4
4-305. Submission to Governing Body	4-4

**PART 4. FINAL PLATTING OF A PORTION OF AN OVERALL PRELIMINARY PLAT**

4-401. Authorization	4-4
----------------------	-----

**PART 5. APPROVAL OF PLATS FOR SMALL TRACTS**

4-501. Authorization	4-5
4-502. Requirements	4-5
4-503. Procedure	4-6

ARTICLE	PAGE
---------	------

## PART 6. ONE-STEP PRELIMINARY AND FINAL PLATS

4-601. Authorization	4-5
4-602. Submittal	4-5
4-603. Fees	4-5
4-604. Contents of a One-Step Plat	4-5
4-605. Action by Planning Commission on a One-Step Plat	4-5
4-606. One-Step Plat (Tracing) Submittal for Governing Body Approval	4-6

## PART 7. PLATTING AS A CONDITION OF ZONING CHANGE APPROVAL

4-701. Authorization	4-6
----------------------	-----

## ARTICLE 5. CONTENTS OF PLANS AND PLATS

### PART 1. PLATTING ACCURACY 5-1

5-101. Platting Accuracy	5-1
--------------------------	-----

### PART 2. SKETCH PLAT

5-201. Contents of Sketch Plat	5-1
--------------------------------	-----

### PART 3. PRELIMINARY PLAT

5-301. Form of Preliminary Plat	5-2
5-302. Contents of Preliminary Plat	5-2
(A) General Information	5-2
(B) Existing Conditions	5-2
(C) Proposed Subdivision Plat	5-3
(D) Additional Data and Information to be Submitted with the Preliminary Plat	5-4
(E) Additional Data and Information to be Submitted with the Preliminary Plat for a Manufactured Home Park	5-4

### PART 4. FINAL PLAT

5-401. Form of Plat	5-5
5-402. Content of Final Plat	5-5
5-403. Supplemental Information to be Submitted with a Final Plat	5-10

### PART 5. CORRECTIONS AND CHANGES TO RECORDED PLATS

5-501. Corrections to Recorded Plats	5-10
5-502. Changes to Minimum Pad Elevation on Recorded Plats	5-11

<b>ARTICLE</b>	<b>PAGE</b>
 <b>ARTICLE 6. LOT SPLITS</b>	
6-101. General Intent and Purpose	6-1
6-102. Application Procedure	6-1
6-103. Approval Guidelines	6-2
 <b>ARTICLE 7. DESIGN STANDARDS</b>	
 <b>PART 1. GENERAL STANDARDS</b>	
7-101. Scope	7-1
7-102. Development Plan	7-1
7-103. Land Subject to Flooding	7-1
7-104. Access	7-2
7-105. Parks, Playgrounds, Open Space, Schools and Public Facility Sites	7-2
7-106. Erosion, Stormwater and Soil Control	7-3
7-107. Land Located Within the Flight Paths of Public-Owned Airports	7-3
 <b>PART 2. SPECIFIC STANDARDS</b>	
7-201. Streets - Layout and Design	7-3
7-202. Alleys	7-18
7-203. Blocks	7-19
7-204. Lots	7-19
7-205. Easements	7-23
7-206. Business, Commercial and Industrial Subdivisions	7-27
7-207. Reserves	7-27
7-208. Drainage	7-29
 <b>ARTICLE 8. INSTALLATION OF REQUIRED IMPROVEMENTS</b>	
8-101. Subdivision Types	8-1
8-102. Engineering Jurisdictions	8-1
8-103. Required Improvements	
(A) Streets	8-2
(B) Sidewalks	8-4
(C) Sanitary Sewer	8-5
(D) Water Supply Systems	8-8
(E) Fire Hydrants	8-9
(F) Storm Drainage System	8-9
(G) Street Signs	8-9
(H) Underground Wiring	8-10
(I) Monuments	8-10
(J) Relocation of Existing Facilities	8-10
(K) Best Stormwater Management Practices	8-11



<b>ARTICLE</b>	<b>PAGE</b>
(L) Improvements Subject to Flooding	8-11
(M) Off-Site Improvements	8-11
(N) Street Lighting	8-11
8-104. Exceptions for Existing Improvements	8-11
8-105. Agreement, Bond, Deposit and Petitions Guaranteeing Installation of Required Improvements	8-12
8-106. Vacation of a Subdivision	8-14
<b>ARTICLE 9. IMPROVEMENT PROCEDURES</b>	
9-101. Petitions	9-1
9-102. Final Improvement Plans	9-1
9-103. Content of Engineering Drawings	9-1
9-104. Review of Plans	9-2
9-105. Construction of Improvements	9-2
9-106. Inspection	9-2
9-107. Inspection Procedures	9-3
9-108. Final Inspection	9-3
9-109. Report to the Governing Body	9-3
9-110. Acceptance of Improvements	9-3
9-111. As Built Plans	9-3
<b>ARTICLE 10. APPEALS, WAIVERS AND MODIFICATIONS</b>	
10-101. Appeals General	10-1
10-102. Appeals on Improvement Standards	10-1
10-103. Waiver of Required Improvements	10-1
10-104. Modification of Design Criteria	10-1
10-105. Modification - Planned Developments	10-2
10-106. Request for Legal Opinion	10-2
<b>ARTICLE 11. INTERPRETATION, CONSTRUCTION AND DEFINITIONS</b>	
11-101. Interpretation and Construction	11-1
11-102. Definitions	11-1
<b>ARTICLE 12. AMENDMENTS AND SEVERABILITY</b>	
12-101. Amendments	12-1
12-102. Severability	12-1
<b>ARTICLE 13. REPEAL AND EFFECTIVE DATE</b>	13-1

ARTICLE	PAGE
---------	------

**PART 1. REPEAL**

13-101. Repeal	13-1
----------------	------

**PART 2. EFFECTIVE DATE**

13-201. Effective Date - Original	13-1
13-202. Effective Date - Amendments	13-1

**1-101. SHORT TITLE.**

These regulations shall be known and may be cited as the "Wichita-Sedgwick County Subdivision Regulations", and shall hereinafter be referred to as "these Regulations."

**2-101. INTENT AND PURPOSE.**

The division and improvement of land for urban and/or non-agricultural development has a significant and lasting impact upon the physical environment of the City of Wichita and the unincorporated portion of Sedgwick County, Kansas. It places increasing demands upon the public to extend and provide facilities and services thereto. It also adds considerable wealth to the community, and increases the tax base of assessed valuation of real property. The creation of new streets, building lots, and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services results in physical and environmental problems to both the public and private sectors that are difficult and costly to resolve.

In accordance with K.S.A. 12-741, et seq., and amendments thereto, it is the intent and purpose of these Regulations to provide for:

- 1) Efficient and orderly location of streets;
- 2) Reduction of vehicular congestion;
- 3) Reservation and/or dedication of land for open spaces;
- 4) Necessary off-site and on-site public improvements;
- 5) The provision of recreational facilities that may include, but not be limited to, the dedication of land area for park purposes;
- 6) Flood protection and stormwater pollution prevention;
- 7) Designation of building lines where necessary;
- 8) Assurances of compatibility of design; and
- 9) Other services, facilities, and improvements deemed appropriate.

These Regulations set forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facility systems; to prevent potential environmental hazards; to coordinate the use of private and public resources to achieve planned and orderly development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed and/or installed.

**PART 1. JURISDICTION, APPLICATION AND EXEMPTIONS.**

**3-101. Jurisdiction.** These Regulations shall apply to all land located within the City of Wichita and to all unincorporated land in Sedgwick County except as provided in Section 3-102 herein.

**3-102. Exception to Jurisdiction.** These Regulations shall not apply to the unincorporated areas in the following described sections of land; provided, that the respective city shall: 1) have adopted Subdivision Rules and Regulations for the city and the area surrounding the city not exceeding the limits of the described area below; and 2) agrees to submit a copy of all preliminary and final plats in the unincorporated area to the Metropolitan Area Planning Commission for purposes of review and comment before approval of the final plat by the Planning Commission.

The following descriptions shall be the limits of extraterritorial Subdivision Regulation authority for each of the designated cities.

(A) **Haysville Area**

The following sections in Township 28 South, Range 1 West: The SE 1/4 of Sec. 25 and that part of Sec. 25, lying west of the Flood Control Ditch; Sec. 26; the E 1/2 of Sec. 27, and all of Secs. 34, 35 and 36;

The following sections in Township 28 South, Range 1 East: The S 1/2 of Sec. 28, lying west of the Kansas Turnpike; the S 1/2 of Secs. 29 and 30; the N 1/2 Secs. 31, 32 and 33, except that part lying north of the Flood Control Ditch and east of the Kansas Turnpike; and Sec. 34, lying south of the Flood Control Ditch;

The following sections in Township 29 South, Range 1 West: Secs. 1, 2 and 3; the NW 1/4 and the E 1/2 of Secs. 10, 11, 12 and 13; the NW 1/4 and E 1/2 of Sec. 14, and the NE 1/4 of Sec. 24;

The following sections in Township 29 South, Range 1 East: Sec. 2, lying south of the flood Control Ditch and west of the Arkansas River; Sec. 3, lying south of the Flood Control Ditch; Secs. 4, 5, 6, 7, 8 and 9; the W 1/2 of Secs. 10 and 15; Secs. 16, 17 and 18; the N 1/2 of Secs. 19, 20 and 21; and the NW 1/4 of Sec. 22.

(B) **Derby Area**

The following sections in Township 28 South, Range 1 East: Secs. 25, 26 and; Sec. 27, lying east of the Arkansas River; Sec. 34, lying north and east of the Arkansas River; Sec. 35 lying north and east of the Arkansas River and Sec. 36;

The following sections in Township 28 South, Range 2 East: The SW 1/4 of Secs. 27, 28, 29, 30, 31, 32 and 33; the W 1/2 of Sec. 34; and the SE 1/4 of Sec. 34;

The following sections in Township 29 South, Range 1 East: Sec. 1; Sec. 2, lying north and east of the Arkansas River, the E 1/2 of Secs. 10, 11, 12, 13 and 14; the E 1/2 of Secs. 15, 22, 23 and 24, lying north and east of the Arkansas River;

The following sections in Township 29 South, Range 2 East: Secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18.

(C) **Mulvane Area**

The following sections in Township 29 South, Range 1 East: Sec. 24, lying south of the Arkansas River; and Secs. 25; 26; 35 and 36;

The following sections in Township 29 South, Range 2 East: Secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, and the W 1/2 of Sec. 35.

(D) **Valley Center Area**

The following sections in Township 25 South, Range 1 West: Secs. 24 and 25, Sec. 26, lying east of the Little Arkansas River and east of the Little Arkansas River Floodway; Sec. 35, lying north of the Little Arkansas River; and Sec. 36, lying east and north of the Little Arkansas River;

The following sections in Township 25 South, Range 1 East: Sec. 19; the W 1/2 of Sec. 20; the W 1/2 of Sec. 29; Sec. 30 and 31; and the W 1/2 of Sec. 32;

The following section in Township 26 South, Range 1 West: Sec. 1, lying north and east of the Little Arkansas River;

The following sections in Township 26 South, Range 1 East: The W 1/2 of Secs. 5 and 6.

- (E) Those areas eligible for annexation into a city that has subdivision regulations adopted as provided by law and where the governing body of that city has agreed by Resolution to annex the proposed subdivision.

**3-103. Plat Referral to Other Cities.** Except for those cities with extraterritorial Subdivision Regulation jurisdiction, whenever a plat is filed for property that lies within the Zoning Area of Influence as established by the Wichita-Sedgwick County Unified Zoning Code, the plat shall be referred to said city's Planning Commission for review and comment. If the city does not have a Planning Commission, the preliminary plat shall be referred to the city's governing body for comments and review. Any design or improvement standards required by these regulations may be modified to meet the design or improvement standards of that city, provided that such improvement will be tied into, connected to or made a part of that city's system (e.g., streets, water and sewer).

**3-104. Compliance required as a condition of issuance of a building or zoning permit.**

- (A) Compliance with these regulations is required as a condition of issuance of a building or zoning permit.
- (B) Permits for repairs, maintenance, continuation of an existing use or occupancy, including the expansion or rebuilding of an existing principle and/or accessory structure, provided that total expansion of floor area for non-residential uses does not exceed 30 percent, may be issued notwithstanding Section 3-104(A); provided however, that the Zoning Administrator may deny or withhold such permits if the rebuilding or expansion does not conform to all applicable ordinances, resolutions and codes relating to lot coverage, building setbacks and zoning.
- (C) No building permit, zoning certificate or occupancy certificate shall be issued for a building or structure on any unplatted tract or parcel until the applicant first shows, by satisfactory evidence to the building permit issuing officer or his/her delegated agent, that the following conditions exist:
  - (1) The tract or parcel is not landlocked, i.e., has proper access by way of a public or private road to a city, county, township, or state highway system.
  - (2) The tract or parcel has access to all utility and telephone services by way of a recorded easement dedicated to the public. The easement serving the property shall not be less than 20 feet in width adjacent to a rear property line or 10 feet in width adjacent to a side property line. The easement shall extend continuously to a service entrance point and exit point for all the utilities and telephone services.
  - (3) Any required sewerage permit has been obtained.
  - (4) Any required water well permit has been obtained.
  - (5) All required permits from the State such as, but not limited to, the creation of dams and lakes have been obtained.
  - (6) The proposed building site, as designated on a plot plan, is not located on land subject to flooding as described in Article Section 7-103 of these Regulations.
  - (7) If any portion of the property lies in a flood hazard area as shown on the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency, or if drainage channels and waterways exist on the property that carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar devise as may be required by the Director of the Sedgwick County Bureau of Public Works.
  - (8) If the property is located adjacent to a public road right-of-way that does not conform to the requirements of Article Section 7-201, additional right-of-way shall be granted by dedication or easement as may be required to conform to Article Section 7-201.

It shall be the responsibility of the property owner or his agent to provide to the Zoning Administrator copies of recorded instruments showing both the name of the current owner and a complete legal description of the property for which an exemption is requested.

**3-105. Exemptions.** In addition to the land outside the jurisdiction of these regulations as outlined in Section 3-102, these regulations shall not apply in the following instances or transactions for properties located within the jurisdiction hereof:

- (A) Any lot, tract or parcel of land located within the area governed by these regulations that has been legally platted in accordance with subdivision regulations in effect prior to the effective date of these regulations.
- (B) The division or further division of land in the unincorporated area of Sedgwick County into lots, tracts or parcels of twenty (20) acres or more when subdivided for agricultural or single-family residential purposes only and that does not involve or result in the creation of any new streets; provided:
  - (1) The division of land is located adjacent to a public road that has been accepted by the County or a township or the division of land is located adjacent to a private road whose right-of-way width conforms to the standards established by Article 7-201. At an official meeting, the Director of Sedgwick County Public Works or the Board of County Commissioners shall determine if the private road meets the standards set forth in Article 7-201.
  - (2) In the case of a private road, there must be covenants filed of record that provide for the maintenance of the private road. The covenants must provide a mechanism that authorizes the County to maintain the private road, and charge incurred costs to the owners of the land benefiting from the road, if the owners fail to maintain the private road.
  - (3) If any portion of the property lies in a flood hazard area as shown on the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency, or if drainage channels and swales exist on the property that carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar devise as may be required by the Director of Sedgwick County Public Works.
  - (4) If the property is located adjacent to a public road right-of-way that does not conform to the requirements of Section 7-201, additional right-of-way shall be granted by dedication or easement as may be required to conform to Section 7-201.
  - (5) For purposes of this provision, measurement of the twenty (20) acres for exemption purposes shall include any adjacent road right-of-way and/or easement. A normal division of property shall be considered an exempt tract. Irregular divisions of property shall contain a full 20 acres, including any rights-of-way and easements, in order to be exempt.



- (6) In order for property to be considered for an exemption pursuant to this section, the property owner or his agent shall first file with the Register of Deeds Office a Restrictive Covenant pertaining to such property that has the effect of prohibiting the sale, long-term lease, devise, transfer or division of the property until all portions of the property that are not exempt under this section are first required to be platted according to the provisions set forth herein. Restrictive Covenant forms may be obtained from Metropolitan Area Planning Department or Sedgwick County Code Enforcement.

(C) A boundary shift.

A drainage plan shall be required if the boundary shift contains over 5,000 square feet.

- (D) Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
- (E) Land used for highway or other public purposes relative to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
- (F) A correction of a description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a "Correction Conveyance" and shall clearly identify the prior conveyance that is the subject of correction and the error contained in such prior conveyance.
- (G) Whenever the lot, tract, or parcel has been sold off, divided, subdivided, resubdivided or replatted by the following dates:
- (1) January 1, 1948, for land within the City of Wichita or the City of Wichita's July 1, 1968, three-mile ring;
  - (2) July 1, 1968, for land beyond the City of Wichita's July 1, 1968, three-mile ring.
- (H) The division of land in the unincorporated area for single-family or agricultural purposes that creates no more than one additional parcel, tract or lot than specified in subsection (G) and that results in tracts of land or lots that comply with the design requirements for lots in Section 7-204 of these regulations and with the applicable provisions of the Wichita-Sedgwick County Unified Zoning Code and Chapter 14, Article V, of the Sanitary Code of Sedgwick County Code. This exemption is in addition to the exemption contained in (G) used to determine the requirements for platting.
- (I) Any lot split approved in accordance with these regulations.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered, by the Zoning Administrator with the concurrence of the Planning Director, either in the affirmative or negative, within thirty (30) days after the filing of the request or the exemption shall be considered granted. Appeals of such determination may be taken in accordance with Section 10-101.

### **3-106. Vesting of Development Rights.**

- (A) The rights of landowners of lots or tracts of land created for single-family residential development shall be protected for use as single-family residential lots or tracts of land, and said lots or tracts of land shall not be required to meet the platting requirements of the Subdivision Regulations provided:
  - (1) Verifiable evidence is presented to the Zoning Administrator showing that the individual lots or tracts of land were created before August 29, 1997. Acceptable evidence shall be:
    - (a) Signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the lots or tracts of land proposed to be created, said certificate or plat of survey being dated and recorded with the Register of Deeds of Sedgwick County, Kansas;
    - (b) Recorded Deeds conveying the said lots or tracts of land; or
    - (c) Recorded Affidavits of Equitable Interest on contracts for deed for said lots or tracts of land; and,
  - (2) The division of land into lots or tracts was done in conformance with the Subdivision Regulations that were in effect at the time the individual lots or tracts of land were created.
- (B) Any undeveloped contiguous lots or tracts of land, that otherwise met the requirements under (A)(1)-(2) of this section, that were held in common ownership on August 29, 2002, shall be considered a single lot. Any subsequent division of said lot shall require platting in conformance with the Subdivision Regulations. Undeveloped contiguous lots that otherwise met the requirements under (A)(1)-(2) of this section, that are not held in common ownership shall be exempt from the platting requirements of these regulations.
- (C) Properties divided or platted for any use other than single-family residential purposes shall not be permitted to develop or further develop except in conformance with the Subdivision Regulations and the Wichita-Sedgwick County Unified Zoning Code.
- (D) Persons who obtain a validly issued building permit for any undeveloped contiguous lots or tracts of land that have met the requirements under (A)(1)-(2) of this section prior to August 29, 2002, shall be permitted to develop said property, so long as the permit issued does not expire. Failure to start construction under said permit before the expiration of the permit shall result in the contiguous lots being considered a single lot.
- (E) Any request made in writing for a determination as to the qualifications for meeting the requirements of this section shall be answered by the Zoning Administrator with the concurrence of the Planning Director within thirty (30) days after the filing of the request or the requirements shall be deemed to have been met. It shall be the responsibility of the property owner or the property owner's agent to provide the Zoning Administrator copies of recorded instruments that show the names of the current owners of the lots or tracts of land and a complete legal description of the lots or tracts of land.

## **PART 2. ADMINISTRATION AND ENFORCEMENT.**

**3-201. Division of Responsibility.** The administration of these regulations is vested with the following governmental branches, agencies or departments of the City of Wichita and Sedgwick County:

- (A) The Wichita-Sedgwick County Metropolitan Area Planning Department;
- (B) The Office of Central Inspection of the City of Wichita;
- (C) The Sedgwick County Code Enforcement;
- (D) The Wichita-Sedgwick County Metropolitan Area Planning Commission;
- (E) The Wichita City Council;
- (F) The Sedgwick County Board of County Commissioners; and
- (G) The City of Wichita - Department of Environmental Services.

The responsibilities of these governmental branches, agencies or departments is as follows:

**3-202. Duties of the Planning Department.** The Planning Department shall be responsible for the administration of the following provisions of these regulations:

- (A) Maintain permanent and current records with respect to these regulations, including amendments;
- (B) Receive and file all sketch plats, preliminary plats, and final plats, together with applications;
- (C) Forward copies of the preliminary plat to other governmental agencies and departments and representatives of public utilities for their information and recommendations;
- (D) Review all preliminary plats to determine whether such plats comply with these Regulations and review all final plats to determine whether they comply with these Regulations and requirements established by these Regulations for the preliminary plat;
- (E) Forward preliminary and final plats to the Subdivision Committee of the Planning Commission, together with staff recommendations;
- (F) Forward final plats to the Planning Commission, together with the recommendations of the Subdivision Committee;
- (G) Notify township trustees of suburban plats within their respective townships when the dedication of street right-of-way is proposed; and

- (H) Make other determinations and decisions as may be required of the department by these Regulations, the Planning Commission, the Wichita City Council, or the Sedgwick County Board of County Commissioners.

**3-203. Duties of the Zoning Administrator.** The Zoning Administrator shall be responsible for the administration of the following provisions of these Regulations:

- (A) Review all applications for building permits for compliance with the provisions of these Regulations, and advise the Planning Department when a tract is not in compliance.
- (B) Issue determinations of when property divisions are exempt from these Regulations as provided herein and in concert with the Planning Director.

**3-204. Duties of the Planning Commission.** The Planning Commission shall:

- (A) Review and approve sketch plats in all cases when the subdivider and the Planning Department have been unable to reach agreement on the sketch plat;
- (B) Upon the appeal of a denial of a preliminary plat by the Subdivision Committee, review and approve, approve conditionally or disapprove preliminary plats;
- (C) Upon receipt of the recommendation of the Subdivision Committee, review and approve or disapprove one-step and final plats;
- (D) Forward the final plat to the Wichita City Council for approval and acceptance of dedications of streets, alleys and other public ways when the property being platted is within the Wichita city limits;
- (E) Forward the final plat to the Board of County Commissioners for approval and acceptance of dedications of streets, alleys and other public ways when the property being platted is outside the city limits of Wichita;
- (F) Designate a Subdivision Committee composed of four (4) or more of its members to perform the duties outlined in Section 3-206 of these regulations;
- (G) Appoint a Utility Advisory Committee consisting of representatives of public and private agencies to perform the duties outlined in Section 3-207 of these Regulations; and,
- (H) Make other determinations and decisions as may be required of the Planning Commission from time to time by these Regulations, or the applicable sections of the Kansas Statutes Annotated.

**3-205. Duties of the Wichita City Council and the Board of County Commissioners of Sedgwick County.** The duties of the governing bodies shall be to accept the dedication of streets, alleys and other public ways, accept restrictive covenants recommended by the Planning Commission, to approve guarantees for public improvements, and to consider waivers to the improvement standards of these Regulations.

**3-206. Subdivision Committee of the Planning Commission.** The Planning Commission shall, by resolution or rule, designate a Subdivision Committee composed of four (4) or more of its members. The Chairman of the Planning Commission shall, with the concurrence of the Commission, appoint a chairman of the Committee for such time as deemed appropriate. The Subdivision Committee shall perform, on behalf of the Commission, the duties with respect to sketch plats and preliminary plats imposed on the Commission by Section 3-204 (A) and 3-204 (B) of these Regulations. Any person aggrieved by any decision or determination of the Subdivision Committee shall have the right to appeal the decision or determination to the Planning Commission.

**3-207. Utility Advisory Committee.** The Chairman of the Planning Commission shall appoint a Utility Advisory Committee whose duty it shall be to review and make recommendations to the Subdivision Committee on all preliminary and final plats and planned development plans where required. The Utility Advisory Committee shall meet with the Subdivision Committee in order to submit its recommendations. The Utility Advisory Committee shall consist of representatives of those public and private agencies having a direct interest in public works, public utilities, health and safety and such other persons as the Commission may from time to time deem necessary.

### **PART 3. FILING FEES.**

**3-301. Filing Fees.** For the purpose of defraying costs of proceedings described herein, filing fees shall be paid upon the filing of each application as established by the schedule adopted by the governing bodies.

### **PART 4. ENFORCEMENT AND PENALTY.**

**3-401. Enforcement.** It shall be the duty of the Zoning Administrator and the Director of the Metropolitan Area Planning Department or their agent to enforce these Regulations. The following actions are prohibited:

- (A) Approval of a plat by the Metropolitan Area Planning Commission that does not comply with the provisions of these Regulations.
- (B) The recording of any plats or replats of land laid out with building lots, streets, alleys, utility easements and dedications of the public unless the plat or replat bears the signatures and seals of the Metropolitan Area Planning Commission and appropriate governing body.

**3-402. Penalty.** A building permit shall not be issued for the construction of any building or structure located on a lot, tract or parcel subdivided or sold in violation of the provisions of these Regulations. In addition, the following shall apply:

- (A) The City or County may seek an injunction or other equitable relief in the district court to stop any violation of these Regulations or of a permit, certificate or other form of authorization granted hereunder.
- (B) The City or County may seek a court order from the district court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition that existed prior to the violation.

- (C) The City or County may seek such criminal or civil penalties as are provided by Kansas law, municipal or county code. Any violation occurring within the city shall constitute a misdemeanor with penalties not to exceed \$500 or imprisonment for not more than six (6) months for each offense, or both the fine and imprisonment. For any violation occurring within the unincorporated area, criminal penalties shall not exceed \$500 and any violation shall be a Class H violation, with prosecution pursuant to Chapter 8 of the Sedgwick County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.
- (D) The City or County shall have such other remedies as are, and as may be from time to time, provided by Kansas law, municipal code or county code, for the violation of zoning or related provisions of its code.
- (E) These remedies shall be cumulative.

**PART 1. SKETCH PLATS.**

**4-101. Application for Subdivision Approval.** Submission of a sketch plat prior to the submission of a preliminary plat is encouraged, particularly for large-scale and complex projects, to provide documented advice on the content of the plat. Any person desiring to subdivide land that is subject to the provisions of these Regulations may, at his discretion, file with the Planning Department an application that states the name and address of the person making the application, identifies the location of the land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths. Five (5) copies of the proposed sketch plat of the subdivision shall be submitted with the application.

**4-102. Filing Fee.** The sketch plat shall not be accepted until the filing fee provided for in Section 3-301 of these Regulations has been paid by the subdivider.

**4-103. Development of Sketch Plat.** Within fourteen (14) days after it receives an application for approval of a subdivision, the Planning Department shall be available to confer with the subdivider to develop a mutually acceptable sketch plat of the subdivision. The sketch plat shall contain the data and information set out in Section 4-101 and Section 5-201 of these Regulations.

**4-104. Failure to Agree on Sketch Plat.** If the subdivider and the Planning Department are unable to reach agreement on the characteristics of the sketch plat within thirty (30) days of the date that the application for approval of a subdivision is filed, the subdivider may appeal to the Subdivision Committee of the Planning Commission for a determination with respect to the characteristics of the sketch plat that the subdivider and the Planning Department have been unable to agree. In such event, the subdivider shall submit such number of copies of the sketch plat as may be determined necessary by the Planning Department for distribution to the Subdivision Committee and the Utility Advisory Committee. The Subdivision Committee shall consider the sketch plat appeal at their first regular meeting following the conclusion of the above-referenced thirty (30) day period.

**PART 2. THE PRELIMINARY PLAT.**

**4-201. Filing of Preliminary Plat.** Such number of copies of the preliminary plat, as may be determined necessary by the Planning Department for proper review by the Subdivision Committee and the Utility Advisory Committee, shall be filed with the Planning Department within one (1) year of the date that the Planning Department, or the Subdivision Committee of the Planning Commission, has approved the sketch plat. When the plat is to be referred to any governing body or other planning commission as required in Section 3-103 of these Regulations, five (5) additional copies of the plat shall be submitted.

**4-202. Filing Fee.** The preliminary plat shall not be accepted for scheduling before the Subdivision and Utility Advisory Committees until the filing fee provided for in Section 3-301 of these Regulations has been paid by the subdivider.

**4-203. Contents of Preliminary Plat.** The preliminary plat shall contain the information and data set out in Section 5-302 of these Regulations.

**4-204. Distribution and Review of Preliminary Plat.** The Planning Department shall distribute copies of the preliminary plat to the Subdivision Committee and the Utility Advisory Committee. The Planning Department shall review the preliminary plat and prepare a staff report containing recommendations.

**4-205. Action by Planning Commission on Preliminary Plat.** The Subdivision Committee shall review the preliminary plat and may conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against the preliminary plat.

- (A) The Subdivision Committee shall determine, based on the evidence presented before it, whether the preliminary plat generally meets the design standards and requirements of these Regulations, the comprehensive plan(s) of the area, the zoning regulations in force in the area, and other applicable provisions of ordinances, regulations, or policies of the local governments.
- (B) If the foregoing considerations are satisfied, the Subdivision Committee shall approve, in writing, the preliminary plat.
- (C) If the Subdivision Committee determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest changes needed to satisfy the conditions, and in such event:
  - (1) The applicant may agree to incorporate requested changes in the final plat and be permitted to develop the final plat without submitting the preliminary plat for further review.
  - (2) The Subdivider may amend the preliminary plat in order to incorporate the changes needed and resubmit the preliminary plat to the Subdivision Committee, which shall then grant its approval if the amendments satisfy the changes needed;
  - (3) The Subdivider may reject the changes required by the Subdivision Committee and appeal the findings of the Subdivision Committee to the Planning Commission as provided for in Section 10-101 of these regulations. In the event the Subdivision Committee does not approve the preliminary plat, the Planning Department shall furnish the Subdivider with a written statement setting forth the reasons for disapproval.
- (D) If the Subdivision Committee determines that the preliminary plat does not satisfy the foregoing conditions and that changes needed would be too extensive or impractical, it shall disapprove the preliminary plat and the subdivider shall immediately be advised of its action and reasons for disapproval.
- (E) The Subdivision Committee shall approve or disapprove the preliminary plat within sixty (60) days from the date of the filing of the plat, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within ten (10) days after disapproving the plat the Planning Department shall furnish the subdivider with a statement in writing setting forth the reason for such disapproval. This statement shall specify why the proposed preliminary plat fails to conform to the



requirements of these Regulations, the comprehensive plan, zoning regulations in force in the area and other applicable provisions of the ordinances, regulations, and policies of the City and/or County.

- (F) The Planning Director may appeal a preliminary plat to the Planning Commission, in whole or in part, if in his opinion, as provided for in Section 10-101, the plat does not meet the spirit or intent of these Regulations, recognized plans, policies, or standards.

**4-206. Failure of Subdivision Committee to Act on Preliminary Plat.** If the Subdivision Committee fails to approve or disapprove a preliminary plat within sixty (60) days after the date the plat is submitted, then such preliminary plat shall be deemed to have been approved, unless the subdivider consents to extend or waive the sixty (60) day time limitation.

**4-207. Effect of Approval of Preliminary Plat.**

- (A) Approval of the preliminary plat shall not constitute approval of the subdivision by the Subdivision Committee or the Planning Commission, but shall only signify the general acceptability of the proposed subdivision.
- (B) Approval of the preliminary plat shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision, and for all public improvements to be constructed as a part of the subdivision by the subdivider.
- (C) Approval of the preliminary plat shall be effective for no more than three (3) years from the date approval was granted. If a final plat has not been submitted for review by the Subdivision and Utility Advisory committees within the three (3) year period, the Planning Department shall close the preliminary plat file and so notify the subdivider and platting surveyor.

**PART 3. FINAL PLATS.**

**4-301. Filing of Final Plats.** The final plat, on mylar, cronoflex or on other such material as may be authorized by these Regulations, together with the same number of copies as are required for submission as a preliminary plat shall be filed with the planning department within three (3) years after the date that the preliminary plat was approved.

**4-302. Action by Subdivision Committee.** The Subdivision Committee shall approve a final plat if:

- (A) It is substantially the same as the approved preliminary plat;
- (B) There has been compliance with all the conditions, restrictions and requirements of these Regulations and of the other applicable regulations or laws;
- (C) There has been compliance with any conditions that may have been required at the time of preliminary plat approval.

If the Subdivision Committee disapproves the final plat, the Planning Department shall advise the subdivider in writing of the reasons for disapproval within ten (10) days after disapproval. The recommendations of the Subdivision Committee shall be forwarded to the Planning Commission for final action and review.

**4-303. Action by the Planning Commission.** The Planning Commission shall, within sixty (60) days after the final plat has been approved by the Subdivision Committee, either approve or disapprove the final plat. If the final plat is disapproved by the Planning Commission, then within ten (10) days after disapproving the plat, the Planning Department shall advise the subdivider in writing of the reasons for disapproval. Approval of the final plat by the Planning Commission shall be effective for no more than three (3) years from the date approval was granted. If the subdivider has not met all conditions of approval established by the Planning Commission within the three (3) year period, the Planning Department shall close the final plat file and so notify the subdivider and platting surveyor.

**4-304. Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to act on the final plat within sixty (60) days after the Subdivision Committee reviewed the final plat, the final plat shall be deemed to have been approved unless the subdivider has consented to extend or waive the sixty (60) day time limitation.

**4-305. Submission to Governing Body.** Before a final plat is recorded, it shall be submitted to the appropriate governing body for approval and acceptance of streets and other public ways, service and utility easements, and land dedicated for public use, the acceptance of covenants, and the approval of guarantees for improvements associated with the plat. When located within the City of Wichita, acceptance of such dedication shall be shown over the signature of the Mayor or any other City official duly authorized to act during the absence or disability of the Mayor. This signature shall be attested to by the City Clerk. When any portion of a final plat is located in the unincorporated area of Sedgwick County, it shall also be submitted to the Board of County Commissioners for approval and acceptance of dedications. The failure of the governing body of the City or the Board of County Commissioners to approve the plat shall be deemed to be a refusal to accept the proposed dedications shown on the plat.

For those final plats located on unincorporated property within three (3) miles from the Wichita City Limits, the plat shall be submitted to the Wichita City Council, for review and approval, prior to the plat being submitted to the Board of County Commissioners.

#### **PART 4. FINAL PLATTING OF A PORTION OF AN OVERALL PRELIMINARY PLAT.**

**4-401. Authorization.** An approved overall preliminary plat may be final platted in pieces rather than as a whole, provided the following conditions are met:

- (A) Each final plat shall contain sufficient area to install improvements economically. The final plat should, if possible, contain at least twenty (20) lots.
- (B) The approval of the Director of Planning is obtained. The decision of the Director of Planning to authorize the final plat shall be based upon the advice of the local Public Works or Engineering Officials as to the feasibility of installing required improvements.

- (C) At least one (1) final plat shall be submitted for approval within three (3) years from the date of approval of the overall preliminary. All final plats for the overall preliminary plat shall be submitted for approval within five (5) years from the date that the overall preliminary plat was approved. The Director of Planning may, on application of the subdivider and after at least one final plat has been recorded, grant extensions of time to submit additional final plats. Each such extension of time shall be for no more than one (1) year.
- (D) All steps required for the approval of final plats, including the recording of the plat, shall be complied with.

## **PART 5. RESERVED.**

## **PART 6. ONE-STEP PRELIMINARY AND FINAL PLAT.**

**4-601. Authorization.** For any plat required by these Regulations, the applicant may choose to submit such plat as a one-step preliminary and final plat for purposes of required review and approval by the Subdivision Committee, Planning Commission and Governing Body(ies). An applicant shall submit simultaneously a preliminary and a final plat for property intended to be subdivided. Except for as provided by Section 4-602 through 4-606, such preliminary and final plats shall be subject to all applicable requirements of these Regulations.

**4-602. Submittal.** Such one-step preliminary and final plat shall be submitted on or before the closing date indicated by the adopted MAPC/Subdivision Committee schedule. The plat shall clearly note that the plat is being submitted as a one-step preliminary and final plat. Such number of copies of the one-step preliminary and final plat as may be determined necessary by the Planning Department for proper review by the Subdivision Committee and the Utility Advisory Committee shall be filed with the Planning Department, however in no case shall less than thirty-five (35) copies be provided. Further, as required by Section 5-403, supplemental information shall be provided at the same time that the one-step preliminary and final plat is submitted.

**4-603. Fees.** A fee as provided for by Section 3-301 shall be paid by the subdivider.

**4-604. Contents of a One-Step Plat.** A one-step preliminary and final plat shall contain all information required of a preliminary plat (as described in Article 5 Part 3) and a final plat (as described in Article 5, Part 4)

**4-605. Action by Planning Commission on a One-Step Plat.** The Subdivision Committee shall review the one-step plat and may conduct a public hearing. The Subdivision Committee shall determine, based on the information presented, whether the combined plat meets the design and development standards prescribed by these Regulations, the comprehensive plan(s) of the area, applicable ordinances, regulations, or policies of the local governments.

- (A) If the foregoing considerations are satisfied, the Subdivision Committee shall approve, in writing, the combined plat.

- (B) If the Subdivision Committee determines that the plat does not satisfy the foregoing conditions, it may:
- (1) Recommend changes needed to satisfy the committee's concerns, and the applicant can agree to incorporate said changes in the plat without further review by the Subdivision Committee;
  - (2) The Subdivider may amend the one-step plat to incorporate the changes needed and resubmit the combined plat to the Subdivision Committee shall then grant its approval if the amendments satisfy the changes needed;
  - (3) The Subdivider may reject the changes required by the Subdivision Committee and appeal the findings of the Subdivision Committee to the Planning Commission as provided for in Section 10-101 of these Regulations. In the event the combined plat is not approved by the Planning Commission, the Planning Department shall furnish the Subdivider with a written statement setting forth the reasons for disapproval.
- (C) If the Subdivision Committee determines that the one-step plat does not satisfy the foregoing conditions and that changes needed would be too extensive or impractical, it shall disapprove the combined plat and the Subdivider shall, within ten (10) days, be advised of its actions and reasons for disapproval.
- (D) The Subdivision Committee shall approve or disapprove the one-step plat within sixty (60) days from the date of filing of the plat or the plat shall be deemed to have been approved unless such time is extended by mutual consent.
- (E) The Planning Director may appeal the Subdivision Committee's decision on a one-step plat to the Planning Commission in whole or in part, if in his opinion, the plat does not meet the intent of these Regulations, recognized policies, standards or plans as referenced in Section 10-101.

**4-606. One-Step Plat (Tracing) Submittal for Governing Body Approval.** Following Planning Commission approval of a one-step plat, the plat shall be scheduled as appropriate for governing body review and action as specified in Section 4-305.

## **PART 7. PLATTING AS A CONDITION OF ZONING CHANGE APPROVAL.**

**4-701. Authorization.** Where platting or replatting is required as a condition of rezoning, the time period for completing the platting process shall be established at one (1) year from the time of approval of the zoning by the City Council or Board of County Commissioners. Exceptions may be made in accordance with Policy Statement No. 5 as included in the Appendix.

**PART 1. PLATTING ACCURACY.**

**5-101. Platting Accuracy.** Plats shall be prepared with the following accuracy:

- (A) Sketch plats shall be drawn to scale. They may be submitted in free-hand form.
- (B) Preliminary plats shall be drawn to scale with such accuracy as to determine, the location of lot, block, property and boundary lines, utility and other facilities.
- (C) Final plats shall be prepared with the accuracy required for traverse data. The following shall be submitted with the final plat:
  - (1) Traverse data for the plat, including the coordinates of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than 1 in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than 1 in 10,000.
  - (2) All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

**PART 2. SKETCH PLAT.**

**5-201. Contents of Sketch Plat.** The sketch plat shall show the proposed layout of streets, lots, proposed business and industrial areas, parks, playgrounds, and other public areas and features of the subdivision. The sketch plat shall contain the following data:

- (A) Boundary lines;
- (B) Existing streets, utility facilities, and major easements on or adjacent to the tract showing location, width or size, and purpose;
- (C) A topographic survey with ground elevations on the tract and other surface physical conditions on the tract such as water courses, marshes, wooded areas, on-site sewage disposal facilities, water wells, and existing structures, with notes stating if these features are to be retained or removed. The appropriate engineer may substitute spot elevations at specified points for the complete topographic survey or may, if conditions warrant, waive the topography survey requirement;
- (D) Physical conditions on adjacent land, including ground elevations whenever needed for drainage purposes, location of structures, railroad rights-of-way, utility lines, community facilities, traffic arteries, shopping centers, schools and parks.

### **PART 3. PRELIMINARY PLAT.**

**5-301. Form of Preliminary Plat.** The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet; however, areas over 100 acres may be at a scale of one inch equals 200 feet.

Upon submission of a preliminary plat, the Subdivider shall also submit a copy of the plat in digital format (i.e., on computer diskette) in addition to the mylar and paper copies described above. The digital format should contain the same information as the mylar or paper copies.

#### **5-302. Contents of Preliminary Plat.**

- (A) **General Information.** The following general information shall be shown on the preliminary plat:
- (1) The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to these regulations.
  - (2) Date, north point and scale of drawing.
  - (3) An identification clearly stating that the map is a preliminary plat.
  - (4) Location of the subdivision to define the location and boundaries of the tract that will be subdivided.
  - (5) Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
  - (6) The name and address of the owner, the subdivider, if other than the owner, and the land surveyor or licensed landscape architect who prepared the plat.
  - (7) Existing zoning on and adjacent to the tract and a note referencing any associated zone case, conditional use or community unit plan.
- (B) **Existing Conditions.** The following existing conditions shall be shown on the preliminary plat:
- (1) The location, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way, and other important features such as section lines and corners, city boundary lines and monuments.
  - (2) Contour lines or spot elevations based on North American Vertical Datum 1988 (NAVD88) having the following intervals:
    - (a) Two (2) foot contour intervals for ground slopes less than ten percent (10%).
    - (b) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).

The date of the topographic surveys shall be shown.

A topographic survey with ground elevations on the tract and other surface physical conditions on the tract, such as water courses, marshes, wooded areas, on-site sewage disposal facilities, water wells, and existing structures with notes stating if these features are to be retained or removed. The appropriate engineer may substitute spot elevations at specified points for the complete topographic survey or may, if conditions warrant, waive the topography survey requirement. An analysis with ground elevations on adjoining tracts sufficient to insure compatible drainage shall also be provided.

- (3) The location and direction of all watercourses and areas subject to flooding.
- (4) Natural features such as rock outcroppings, marshes, lakes, wooded areas and tree rows.
- (5) Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
- (6) The horizontal location within the subdivision and the horizontal location in the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, underground wiring, pipelines and gas lines proposed to serve the property to be subdivided.
- (7) Zoning on and adjacent to the tract.
- (8) Location, elevation and description of the benchmark controlling the vertical survey.
- (9) For plats located in the unincorporated areas of Sedgwick County, a copy of the tax map for the section where the tract is located depicting the current ownership pattern.

(C) **Proposed Subdivision Plat.** The following information, with respect to the manner in which the tract is to be subdivided and developed, shall be included on the preliminary plat:

- (1) Streets showing the location, width and names. The preliminary plat shall show the relationship of proposed streets to existing streets, or to planned streets that are depicted on a plat or community unit plan approved by the Planning Commission, or the governing body.
- (2) Easements showing width and purpose.
- (3) Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
- (4) Sites, if any, to be allocated for development with other than single-family dwellings.
- (5) Sites, if any, to be dedicated or reserved for park, playground or other public purposes.

(6) Proposed building setback lines, if any.

(D) **Additional Data and Information to be Submitted with the Preliminary Plat.** The following data and information shall be submitted in separate statements and/or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:

- (1) A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
- (2) A copy of any existing or proposed deed restrictions or covenants that affect the property and is required by a public agency or governing body.
- (3) A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to provide for their installation, e.g., petition, actual construction, monetary guarantee, etc. If other than by petition, the approximate time that such improvements will be completed should be indicated.
- (4) A drainage concept showing the means by which storm waters shall be accepted from adjacent properties, handled internally and drained from the tract, to include an analysis of adjacent properties.

(E) **Additional Data and Information to be Submitted with the Preliminary Plat for a Manufactured Home Park.** Forty (40) copies of a proposed preliminary site development plan shall be submitted for all subdivisions being platted for development of a manufactured home park, for review by the Planning Director while the plat is being reviewed for approval. The proposed preliminary site development plan shall indicate the following:

- (1) The layout of proposed manufactured home spaces. The spaces shall be dimensioned and numbered.
- (2) The alignment and width of proposed interior roadways and sidewalks.
- (3) Landscape buffers required by the applicable zoning and landscape codes.
- (4) A note stating where on-street parking is prohibited on interior roadways.
- (5) Building setbacks from adjacent public streets as required by the zoning ordinance.
- (6) Complete access control to adjacent public streets from individual manufactured home spaces.
- (7) The area within the park being set aside for recreational space. The amount of recreational space being provided shall be in conformance with the requirements of the zoning ordinance. The percentage of recreation area relative to the size of the manufactured home park shall be specified.



- (8) Location of proposed storm shelter(s). (Chapter 26 of the Code of the City of Wichita.)
- (9) A Typical Site Layout that is dimensioned and indicates the storage locker and paved patio required by the Manufactured Home Code (Chapter 26 of the Code of the City of Wichita).

#### **PART 4. FINAL PLAT.**

**5-401. Form of Plat.** The final plat shall be prepared by a registered land surveyor as defined in Article 11 Section 11-102 Definitions, and drawn in waterproof black ink on mylar or its equivalent as may be approved by the Planning Department. Alternatively, a final plat may be prepared with a photographic process, provided it is submitted on .004 inch mylar, cronoflex engineering photographic film or its equivalent, as may be approved by the Planning Department. The maximum permitted page sizes shall be twenty-four (24) inches by thirty-six (36) inches, or smaller. Larger sizes will not be accepted. The scale shall be not less than 100 feet to one inch, except that a variation in scale may be allowed where the Planning Department determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot.

Upon submission of a final plat tracing, the Subdivider shall also submit a copy of the plat in digital format (i.e., on computer diskette) in addition to the mylar and paper copies described above. The digital format should contain the same information as the mylar or paper copies.

**5-402. Content of Final Plat.** The final plat shall indicate the following:

- (A) The name of the subdivision.
- (B) The date, scale, north point, legend and controlling physical features, such as water courses, highways and railroads.
- (C) A legal description of the tract boundaries.
- (D) Reference ties to a government or section corners or previously platted lot corners as follows:
  - (1) Distance and direction to the monuments used to locate the land described in the certificate of survey.
  - (2) The location of all other monuments required to be installed by Sec. 8-103(I).
  - (3) A reference to the quarter section where the plat is located.
- (E) Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.

- (F) Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Those side lot lines that are not at right angles or radial shall be clearly labeled.

Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles or bearings and distances.

- (G) The width of the portion of street right-of-way being dedicated by the plat and the width of any existing right-of-way. The centerline of adjacent perimeter streets shall be indicated.
- (H) All easements shall be denoted by fine dashed lines, clearly identified, and if already filed of record, the recording information for the easements shall be referenced. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement must be shown with sufficient ties to locate it definitely with respect to the subdivision. If the easement is being dedicated by way of the plat, its dedication shall be properly referenced in the plat's text on the final plat tracing.
- (I) Lot numbers beginning with the number one, and numbered consecutively in each block.
- (J) Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- (K) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
- (L) Building setback lines, if any.
- (M) A name for each street shown within the subdivision or adjacent to its perimeter.
- (N) The location and elevation of permanent on-site and off-site benchmarks if the plat is establishing minimum building pad or lowest floor elevations.
- (O) If street rights-of-way, building setbacks, access controls, minimum building pad elevations, public easement or other public reservations are being vacated by the plat, proper reference to K.S.A. 12-512b, amended, shall be made in the plat's text.
- (P) When the establishment of minimum building pad or lowest floor elevations are required, the required elevations shall be referenced in NAVD88 on the face of the plat. The platting of the minimum building pad or lowest floor elevations shall also be noted in the plat's text.
- (Q) If the plat proposes the creation of reserves, the plat's text shall state the purposes of the reserves, as well as, who will own and be responsible for the maintenance of the reserves.

(R) The name, address and phone number of the surveyor, company or corporation responsible for the survey.

(S) The following certificates, which may be combined where appropriate:

- (1) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided and consenting to the preparation and recording of the said subdivision map.
- (2) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels that are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants. If the subdivision abuts or is within 100 feet of any FEMA-regulated floodplain or regulatory floodway, the dedicating certificate shall also recite that, "FEMA floodplain and regulatory floodway boundaries are subject to periodic change, and such change may affect the intended land use within the subdivision."
- (3) A certificate signed by the registered land surveyor responsible for the survey and final plat. The land surveyor shall not record the plat until all monuments, irons, or benchmarks required by these regulations, have been set. The land surveyor's signature shall be accompanied by the surveyor's seal and shall state the month and year the survey was made.

(4) The acknowledgment of a notary in one of the following forms:

(a) For an acknowledgment in an individual capacity:

State of Kansas, County of Sedgwick, SS

This instrument was acknowledged before me on (date) by name(s) of person(s).

Seal or stamp \_\_\_\_\_, Notary Public  
(Signature of Notarial Officer)

My commission expires: \_\_\_\_\_

(b) For an acknowledgment in a representative capacity:

State of Kansas, County of Sedgwick, SS

This instrument was acknowledged before me on (date) by name(s) of person(s) as (type of authority, e.g., officer, trustee, president, etc.) of (name of party on behalf of whom instrument was executed) on behalf of (company, partnership, trust, etc.)

Seal or stamp \_\_\_\_\_, Notary Public

(Signature of Notarial Officer)

My commission expires: \_\_\_\_\_

- (5) The certification of the Planning Commission in the following form:

This plat of \_\_\_\_\_ has been submitted to and approved by the  
Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Wichita-Sedgwick County Metropolitan Area Planning Commission

By \_\_\_\_\_, Chairman  
(Typed Name)

(SEAL)

ATTEST:

\_\_\_\_\_, Secretary  
(Typed Name)

- 6) The plat approval and acceptance of dedications by the municipal governing body, when required, in the following form:

This plat approved and all dedications shown hereon, if any, accepted by the (name of the  
governing body) of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

At the Direction of the City Council

(SEAL)

\_\_\_\_\_

ATTEST:

\_\_\_\_\_, City Clerk  
(Typed Name)

- (7) The plat approval and acceptance of dedications by the Board of County Commissioners, when required, in the following form:

This plat approved and all dedications shown hereon, if any, accepted by the Board of County

Commissioners of Sedgwick County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, Chairman  
(Typed Name)

(SEAL)

ATTEST:

\_\_\_\_\_, County Clerk  
(Typed Name)

(8) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, County Clerk  
(Typed Name)

(9) The certificate of the Register of Deeds in the following form:

State of Kansas, County of Sedgwick, SS

This is to certify that this instrument was filed for record in the Register of Deeds Office, at  
\_\_\_\_ a.m. - p.m., on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, Register of Deeds  
(Typed Name)

\_\_\_\_\_, Deputy  
(Typed Name)

(10) Provision for all other certifications, approvals, and acceptances, that are now or may hereafter be, required by any statute, ordinance or regulation.

(11) The form of the certification may be modified as necessary with the approval of the Planning Department legal counsel to meet statutory or other requirements.

(12) The Certificate of the Deputy County Surveyor in the following form:

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, Deputy County Surveyor  
(Typed Name) Sedgwick County, Kansas

**5-403. Supplemental Information to be Submitted with Final Plat.** The following additional data shall be submitted with the final plat:

- (A) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
- (B) A certificate showing that all taxes and special assessments due and payable have been paid in full; or of such taxes have been protected as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing bodies to meet this requirement.
- (C) If determined to be needed by the Planning Department, a draft of proposed covenants that address such public concerns as required off-street parking, ownership and maintenance of reserves, tying of lots together for use of on-site sewerage, avigational easements, etc.
- (D) Five (5) copies of the approved preliminary site development plan shall be submitted for all subdivisions being platted for development of a mobile home park. This site plan shall depict all items outlined in Section 5-302(E) of these regulations and any other requirements established at the time of preliminary plat approval.
- (E) A drainage plan shall be submitted to the appropriate engineer prior to, or at the time of, submitting the final plat for Subdivision Committee review, to include an analysis of directly affected properties.

The Subdivision plat shall clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

- (F) A list identifying the amount of square feet within each lot and reserve within the perimeter of the final plat.

## **PART 5. CORRECTIONS AND CHANGES TO RECORDED PLATS.**

**5-501. Corrections to Recorded Plats.** If, after recording a subdivision plat, an error is found in distances, angles, bearings, subdivision or street names, block or lot numbers, the computation of dimension or elevation or other details of the plat, except in connection with the outer boundaries of the plat, and if the property described in that part of the plat containing the error is under the ownership of the person who caused the plat to be prepared, the appropriate engineer (of either the City or County), after substantiation of the existence of the error, may file an affidavit with the Register of Deeds that the error was made. The affidavit shall describe

the nature and extent of the error and the appropriate correction. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of filing and the book and page where it is recorded. The filing of the affidavit shall correct any such errors but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

**5-502. Changes to Minimum Pad Elevations on Recorded Plats.** If, after recording a subdivision plat where minimum pad elevations are shown, new floodway/drainage information becomes available that would change the minimum pad elevation requirement, the appropriate engineer (of either the City or County), after verifying the change in floodway/drainage information and after notifying the owner(s) of record of the lot(s) involved, by certified mail to their last known address, or after receiving the request of the owner(s) of record of the lot(s) involved, may file an affidavit with the Register of Deeds, describing the nature and extent of the minimum pad elevation change(s). The change(s) may not increase the required minimum pad elevation unless the lot(s) affected is (are) undeveloped on the date the affidavit is recorded. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto.

**6-101. General Intent and Purpose.** In order to provide a less time consuming and costly procedure for the division of existing platted lots, resulting in the creation of additional building sites, the Planning Commission hereby delegates to the Director of Planning or his appointed agent, authority for approving or disapproving lot splits in accordance with the following regulations. Lot splits are to be distinguished from boundary shifts referenced in Section 3-105(C) and Article 11. Lots zoned residential, office, or commercial may be split to create a maximum of four (4) lots; industrially zoned lots may have unlimited lot splits subject to the approval of guidelines listed below. A lot split is required before a building permit can be issued for any property that is the remainder of an original lot from which other portions have been split or replatted.

**6-102. Application Procedure.** Requests for lot split approval shall be made by the owner of the land to the Wichita-Sedgwick County Metropolitan Area Planning Department. The request for approval shall consist of the following:

- (A) A completed lot split application form.
- (B) The appropriate filing fee (see 3-301 of these regulations).
- (C) Five (5) copies of a survey shall be submitted as prepared by a land surveyor registered with the State of Kansas. The survey shall depict or provide the following:
  - (1) The location of existing structures, on-site sewage disposal facilities and water wells, parking and curb cuts, if any, on the lot; in the case of non-residential lot splits, required off-street parking shall be shown;
  - (2) The precise nature, location and dimensions of the proposed split;
  - (3) The legal description(s) for the proposed split;
  - (4) The amount of square footage contained in each portion of the original lot;
  - (5) All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated;
  - (6) All platted building setbacks;
  - (7) All platted easements, building setbacks, access control or public rights-of-way that have been previously vacated. The Vacation Ordinance number or recording information for the Vacation Order shall be referenced;
  - (8) A 3-inch by 5-inch blank space for the approval stamp and Planning Commission seal.



To facilitate the microfilming of the lot split, the drawing or survey shall be drawn on either letter or legal size paper.

- (D) Two (2) copies of a drawing that indicates the location of existing municipal water mains, water meters and sanitary sewer laterals that serve the lot split site.

**6-103. Approval Guidelines.** Approval or disapproval of lot splits shall be made based on the following guidelines:

- (A) A lot split shall not be approved if:
  - (1) A new street or extension of an existing street, or a vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (2) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
  - (3) All easement requirements have not been satisfied.
  - (4) Such split will result in a landlocked tract. (Access easements are an appropriate means to provide access to lots without public road frontage).
  - (5) A substandard size building site will be created or an existing structure will not observe the yard or parking or other requirements of the City or County zoning regulations.
  - (6) A lot grading plan has not been approved by City or County Engineering for a lot zoned multi-family, office, commercial or industrial.
  - (7) The parcels resulting from the lot split do not meet the Department of Environmental Services/Sedgwick County Code Enforcement, as applicable, requirements for minimum size or setbacks for on-site sewage systems and water wells. The Department of Environmental Services/Sedgwick County Code Enforcement, as applicable, has not approved the plan for on-site sewage disposal and/or water supply if the lot split site is not served with sanitary sewer and/or municipal water.
- (B) Review of lot splits by the Subdivision Committee and Utility Advisory Committee may be required for lot splits that result in significant increases in service requirements (e.g., utilities, schools, traffic controls, etc.), interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.) or propose private easements for access and/or utilities. Such determination shall be made by the Director of Planning or his designated agent. If a review by the Committee is necessary, forty (40) additional copies of the lot split drawing or survey shall be provided by the applicant along with information regarding the location of existing utilities.

- (C) The Director of Planning may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but shall not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- (D) The Director of Planning or his designated agent shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application, except where review by the Subdivision Committee and Utility Advisory Committee is required. If approved, he shall sign and furnish a certificate of approval to be affixed to the lot split survey. He shall forward a certified copy of the lot split to the Register of Deeds for recording. He shall also forward a certified copy to the official designated to issue building or occupancy permits. A copy shall be kept in the office of the Planning Department, and a copy shall be furnished to the applicant.

**PART 1. GENERAL STANDARDS.**

**7-101. Scope.** All subdivision of land subject to these Regulations shall conform to the design standards of this Article.

**7-102. Development Plan.** A subdivision shall conform to the Comprehensive Plan of the metropolitan area.

**7-103. Land Subject to Flooding.**

- (A) Special Flood Hazard Areas mapped on Flood Insurance Rate Maps produced by the Federal Emergency Management Agency (FEMA) are under the provisions of Chapter 27.04 of the City of Wichita Code or Chapter 13 of the Sedgwick County Code, which establishes requirements for the lowest floor elevation of residential structures as established by the Federal Flood Insurance Study. For each development in such Special Flood Hazard Areas, a Development Permit must be obtained from the local code enforcement agency. In addition, service facilities shall be elevated or floodproofed above the Base Flood Elevation in compliance with Chapter 27.04 of the City of Wichita Code. Land in Special Flood Hazard Areas may be subdivided or developed into platted lots or unplatted tracts or parcels subject to the provisions of the applicable code.
- (B) Local flooding sources or areas of poor drainage, as determined by the City or County Engineer, may be subdivided or developed into platted lots, or unplatted tracts or parcels for residential or other use, provided that minimum building opening elevations are established on each specific building site subject to approval by the appropriate Engineer. Data, maps and other records used in making determination of flooding and minimum building opening elevations are considered public documents and may be made available for examination.
- (C) When a Building/Development permit is issued that requires a lowest floor or minimum building opening or structurally flood-proofed elevation, the permitting agency shall not issue a Certificate of Occupancy until provided a completed, professionally certified, Elevation Certificate that proves compliance with the Building/Development Permit conditions of minimum elevation and has been recorded, at the applicant's expense, with the Register of Deeds.
- (D) No construction is permitted in a designated floodway unless specifically authorized by the applicable engineer.
- (E) All plats should be designated in NAVD88 to conform to the National Flood Insurance Program Studies.

**7-104. Access.** All lots, tracts or parcels located in any subdivision or unplatted development shall be served directly by a public street, except that private streets may be permitted as a part of a plat approved by the appropriate governing body. Private streets may be permitted to serve an unplatted tract, parcel or platted lot if there is an irrevocable covenant of record to provide for the perpetual ownership, continuance and maintenance of the private street. The covenant must be approved by the governing body whose engineer approves streets per Section 8-102 of these Regulations.

**7-105. Parks, Playgrounds, Open Space, Schools and Public Facility Sites.** The Planning Commission may require, as a condition of approval for any residential subdivision, the following:

- (A) That the subdivider offers to sell to the appropriate public body, agency or authority, lands, sites and locations for parks, playgrounds, open space, schools or other public facilities. If the public body, agency or authority purchases any lands, sites or locations offered prior to the date the subdivider's plat is recorded with the Register of Deeds, the market price for the lands, sites or locations shall be computed as the proportion of the fair market value of the entire subdivision area as undivided land as of the date the subdivider submits his preliminary plat for approval, plus that percentage of the costs of improvements required as a part of the plat allocable to the portion of land being purchased. If a preliminary plat is not required to be submitted, then the market price shall be computed as the proportion of the fair market value of the entire subdivision area as undivided land, as of the date the subdivider submitted the application for subdivision approval.
- (B) That the subdivider reserve for sale to the appropriate public body, agency or authority, lands, sites, and locations for parks, playground, open space, schools or other public facilities. The subdivider shall not, however, be required to reserve the lands, sites and locations for a period longer than:
  - 1) Two (2) years after the date of recording the subdivision plat with the Register of Deeds, or
  - 2) Sixty (60) days after actual construction has commenced on seventy-five (75) percent of the residential units in the subdivision, whichever results in a longer period of time.

The market price for such lands, sites, and locations shall be their fair market value as of the date that the public body, agency or authority notifies the subdivider, in writing, of its intention to purchase the lands, sites or locations or portions thereof. Added to the market price shall be the percentage of the costs of improvements required as a part of the plat allocable to the portion being reserved, plus all taxes and assessments that have been paid from the time the reservation of land was required until the lands are purchased.

- (C) The subdivider may choose to include private parks, playgrounds, and/or open space as a part of the residential subdivision. These regulations do not include any minimum requirements regarding acreage or level of improvement for such facilities. However, in order to help meet the recreation needs of the future residents, subdividers are encouraged to provide such private facilities in their developments, or alternatively, to enter into partnership agreements with the applicable governing body, with the costs of providing land and making improvements to public parks, playgrounds and/or open space within the subdivision being shared equitably between the subdivider and the governing body.

**7-106. Erosion Stormwater and Soil Control.** The City or County Engineer may require mitigation plans to control pollution of storm water, in accordance with the applicable Stormwater Pollution Prevention ordinance or federal or state regulations, as part of the development plan for the subdivision. On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, appropriate preventive measures shall be a part of the development plan for the subdivision.

**7-107. Land Located Within the Flight Paths of Public-Owned Airports.** Land located within established flight paths and noise impact areas of public-owned airports shall be required to grant a permanent avigational easement to the public. The Aircraft Noise Control and Land Use Compatibility (ANCLUC) study shall be used to identify the noise impact areas around Wichita Mid-Continent Airport and Jabara Airport. The Air Installation Compatible Use Zone (AICUZ) study shall be used to identify the noise impact areas around McConnell Air Force Base. The avigational easement shall allow aircraft to operate within the "navigable airspace" as defined by the Federal Aviation Act of 1958 and shall waive, as to the public authority only, any and all claims for damage any kind whatsoever incurred as a result of aircraft using the navigable airspace. Along with the avigational easement, there shall be submitted a restrictive covenant that states that any building constructed on land covered by the avigational easement shall be designed and constructed to minimize noise pollution, by giving due consideration to the use for which the structure is designed and built. The restrictive covenant shall also state that the land covered by the avigational easement is exposed at times to aircraft noise that may infringe upon a resident's enjoyment of property and may, depending upon the degree of acoustical treatment of the dwelling, affect his health and/or well being.

## **PART 2. SPECIFIC STANDARDS**

### **7-201. Streets - Layout and Design.**

(A) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and shall be considered relative to existing and planned streets, topographical conditions, public convenience, public safety and the proposed uses of the land to be served by the streets.

(B) In the event an overall development plan for an area is not in existence, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation of existing streets in the surrounding areas; or
- (2) Conform to a development plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.

(C) Local streets shall be laid out so that their use by through traffic will be discouraged.

(D) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning Commission may require frontage roads, reverse frontage lots with access control provisions

along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- (E) If a subdivision borders on or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (F) Reserve strips controlling access to streets shall be prohibited except where their control is placed with the governing body under conditions approved by the Planning Commission, or the platting of reserve strips is provided for by a Community Unit Plan approved by the Planning Commission and the appropriate governing body.
- (G) Street rights-of-way requirements for streets other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of two (2) feet, even numbers only. The components involved shall be:

Moving or Traffic Lanes - Variable from nine (9) to twelve (12) feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. For paved streets, other than arterials, the width of a moving lane is measured from the centerline of the street to either the inside edge of a parking lane or to the face of the curb if the street does not provide parking lanes.

Parking Lanes - For on-street storage of vehicles. Parking lanes shall be at least eight feet in width. For computation purposes, up to two (2) feet for curb or shoulder may be included as part of the parking lane.

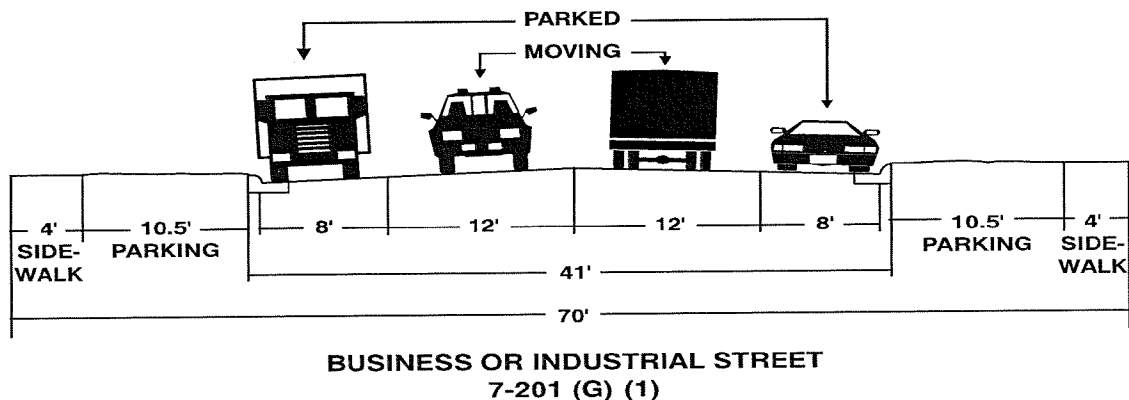
Curb or Shoulder - Curbs shall be considered to require two (2) feet regardless of construction type. Shoulders (for suburban or rural roadways) shall be not less than three feet in width.

Border Area - For urban streets (sometimes referred to as "parking") the border area shall be fourteen and one-half (14½) feet in width from the back of curb to property line. This area shall be used for installation of utilities, street lighting, traffic control devices, fire hydrants, sidewalks, landscaping and to provide a transition area in grades (if necessary) between the roadway and the property adjacent to the right-of-way. Border areas for suburban areas shall be variable in width, based on drainage needs.

Based on the above general criteria, street rights-of-way and roadways shall be as follows:

Urban Area (See 8-101)	Street	Roadway
	R.O.W.	Width
	<u>In Feet</u>	<u>In Feet*</u>
(1) Business, Office, Commercial and Industrial areas: 2 moving lanes (12') and 2 parking lanes.	70	41

The street right-of-way width in feet for business, office, commercial and industrial areas without parking lanes shall be fifty eight feet (58')



\*Back of curb to back of curb.

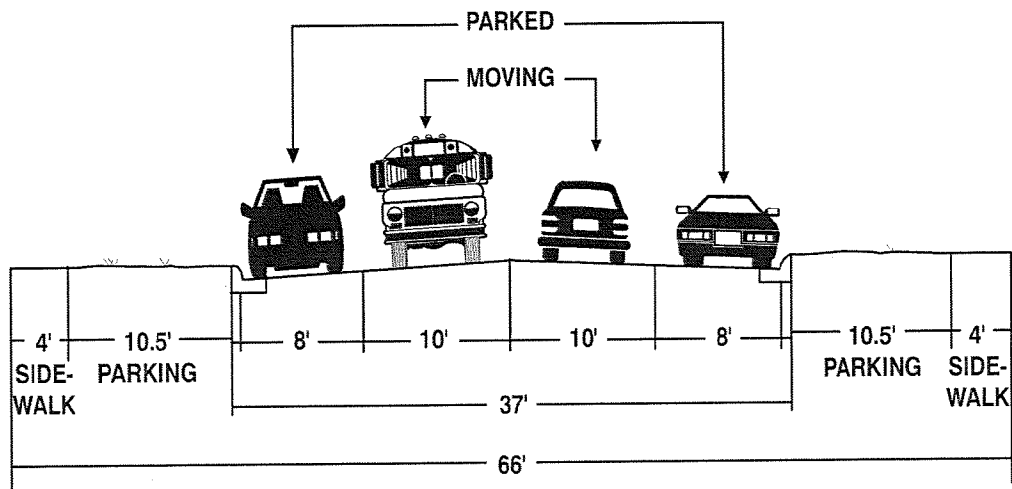
Street	Roadway
R.O.W.	Width
<u>In Feet</u>	<u>In Feet*</u>

## (2) Collector Streets

- (A) Collector with parking or street serving Garden Apartments, Multi-Family High-Rise, large-scale Single-Family, and other similar type of dwelling units: 2 moving lanes (10') and 2 parking lanes.

66\*\*

37\*\*



**RESIDENTIAL COLLECTOR STREET WITH PARKING LANES**  
7-201 (G) (2) (A)

\* Back of curb to back of curb

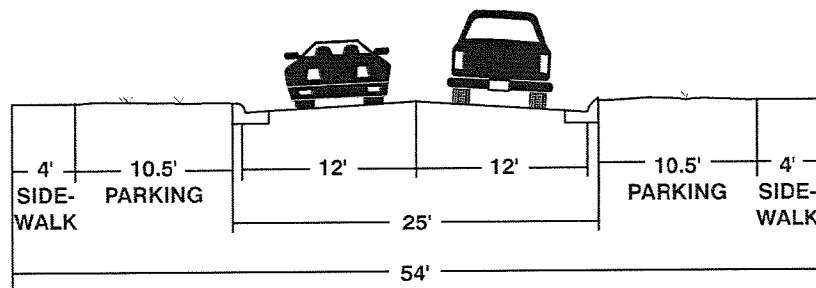
\*\*Street and roadway widths for a collector may be required to be greater than the width listed for that portion 150 feet back from the intersection with an arterial.



	Street R.O.W. <u>In Feet</u>	Roadway Width <u>In Feet*</u>
(B) Collector with no parking and without direct local access; 2 moving lanes (12').	54**	25**



**MINIMIZE HOUSE FRONTAGE ON COLLECTOR STREETS  
TO REDUCE COLLECTOR PAVING WIDTH**



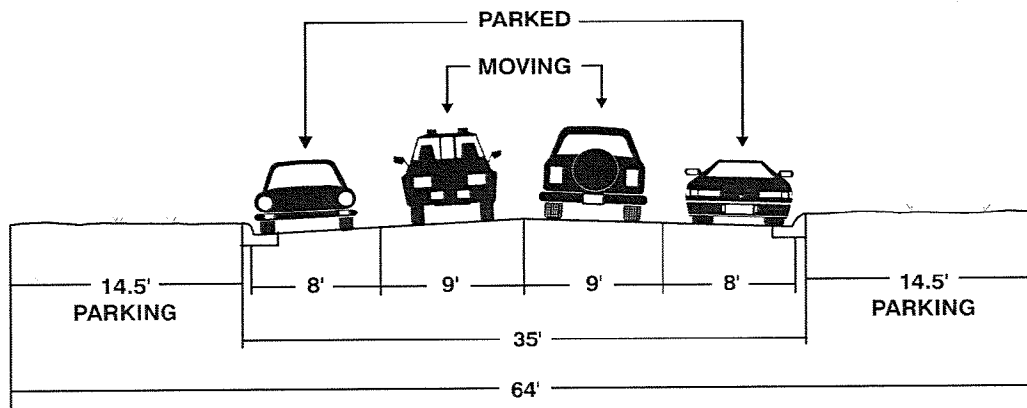
**RESIDENTIAL COLLECTOR STREET WITHOUT PARKING LANES AND  
WITHOUT DIRECT ACCESS FROM ABUTTING LOTS  
7-201 (G) (2) (B)**

\*Back of curb to back of curb

\*\*Street and roadway widths for a collector may be required to be greater than the width listed for that portion 150 feet back from the intersection with an arterial.

	Street R.O.W. <u>In Feet</u>	Roadway Width <u>In Feet*</u>
(3) Local Residential Streets		
(A)(1) Single and two-family dwellings on continuous through streets more than 3 blocks in length: 2 moving lanes (9') and 2 parking lanes.	64	35

(A)(2) A continuous through street more than 3 blocks in length, where only one side contains a parking lane shall have a street right-of-way width of fifty eight feet (58')



**64-FOOT LOCAL RESIDENTIAL STREET**  
7-201 (G) (3) (A)

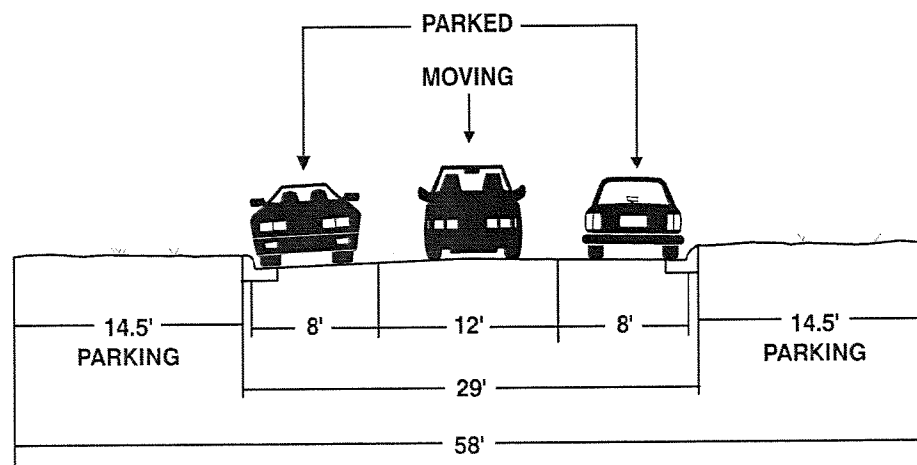
\*Back of curb to back of curb.

Street	Roadway
R.O.W.	Width
<u>In Feet</u>	<u>In Feet*</u>

- (B) Local Residential - 1 moving lane (12') and 2 parking lanes; street to be no more than 3 blocks in length with a maximum of 24 single-family lots (12 each side) per block and a covenant providing for 4 off-street parking spaces per dwelling unit on each lot.

58

29

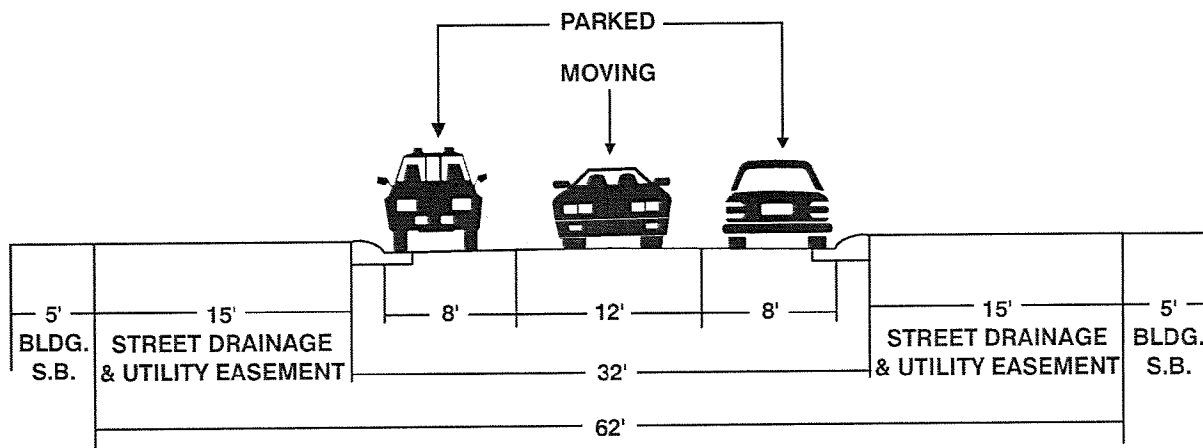


**58-FOOT LOCAL RESIDENTIAL STREET**  
**7-201 (G) (3) (B)**

\*Back of curb to back of curb.

(C) **Narrow Local Residential** - One (1) moving lane (12') and two (2) parking lanes. This type of street is intended for limited use in single-family and duplex cluster developments and shall only be used for cul-de-sac or loop/circular street alignments. It is not intended for those street patterns that may be subjected to through traffic or to traffic generated by land uses not directly fronting onto the subject narrow street. That is, one narrow street shall not intersect another narrow street. For cul-de-sac streets, a maximum of twenty-four (24) single-family lots shall be accessed by this type of street. For loop/circular streets, a maximum of forty-eight (48) single-family lots shall be accessed by this street type. When this street is platted the subdivider shall submit covenants providing for four (4) off-street parking spaces per dwelling unit on each lot and restriction of lot owner use of required fifteen-foot (15') street, drainage and utility easement on each side of dedicated right-of-way, i.e., prohibition of retaining walls and change of grade, prohibition of fences, earthberms and mass plantings and approval of any proposed plantings by the City Forestry Division prior to installation. A minimum five-foot (5') building setback shall be platted from the fifteen foot (15') street, drainage and utility easement on each lot abutting this type of street.

Street R.O.W. <u>In Feet</u>	Roadway Width <u>In Feet*</u>
32	29



**NARROW LOCAL RESIDENTIAL STREET**  
7-201 (G) (3) (C)

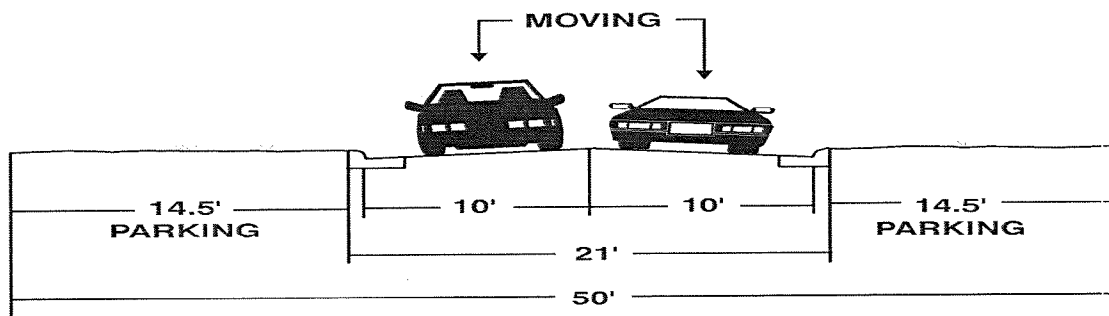
\*Back of curb to back of curb.

Street	Roadway
R.O.W.	Width
<u>In Feet</u>	<u>In Feet*</u>

- (D) Local Residential – two (2) moving lanes ten-foot (10') and no parking lanes. Street to be no more than one block length with a maximum of twenty-four (24) single-family lots (12 each side). Cul-de-sacs no longer than 300 feet to the center of the turnaround radius. For lots containing up to 6,000 square feet, a covenant providing for four (4) off-street parking spaces per dwelling unit on each lot, shall be submitted. Townhouses or patio homes and manufactured homes shall provide a covenant providing for or at least two (2) off-street parking spaces per dwelling unit, plus at least one (1) parking space per dwelling unit in a common parking area adjacent to the street.

50

21



**50'-FOOT LOCAL RESIDENTIAL STREET**

**7-201 (G) (3) (D)**

\*Back of curb to back of curb.

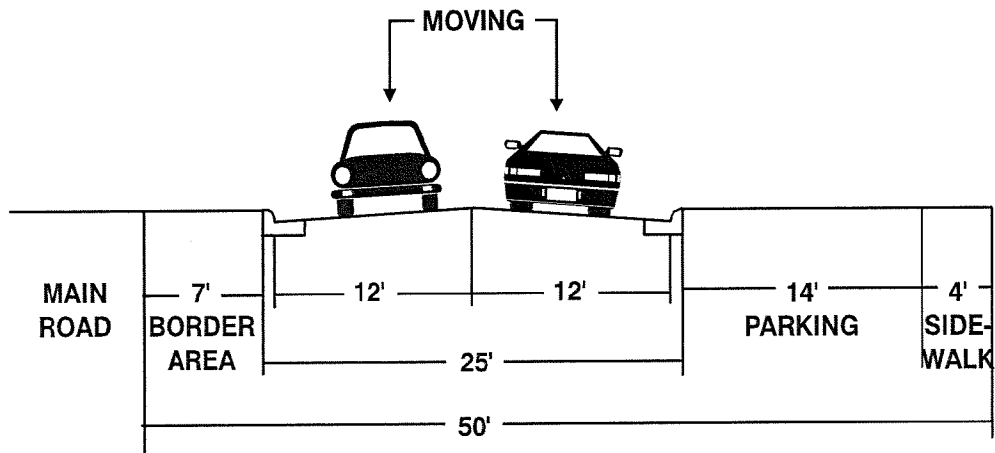
Street  
In Feet

Roadway  
In Feet\*

- (4) Local - Frontage Road - two (2)  
moving lanes- no parking, plus  
seven (7) feet of border area between  
curb and the main road right-of-way.

50

25



**FRONTAGE ROAD**  
7-201 (G) (4)

Street	Roadway
R.O.W.	Width
<u>In Feet</u>	<u>In Feet</u>

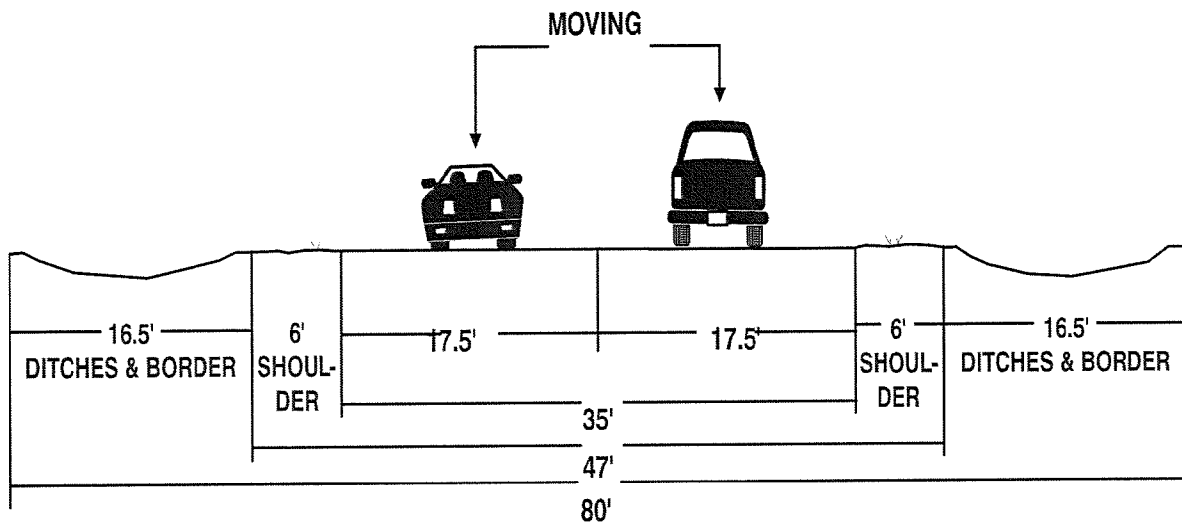
(5) Suburban Areas (See 8-101)

(A) Collector, two (2) moving lanes (17.5') - Shoulder, ditches, and border areas.

80

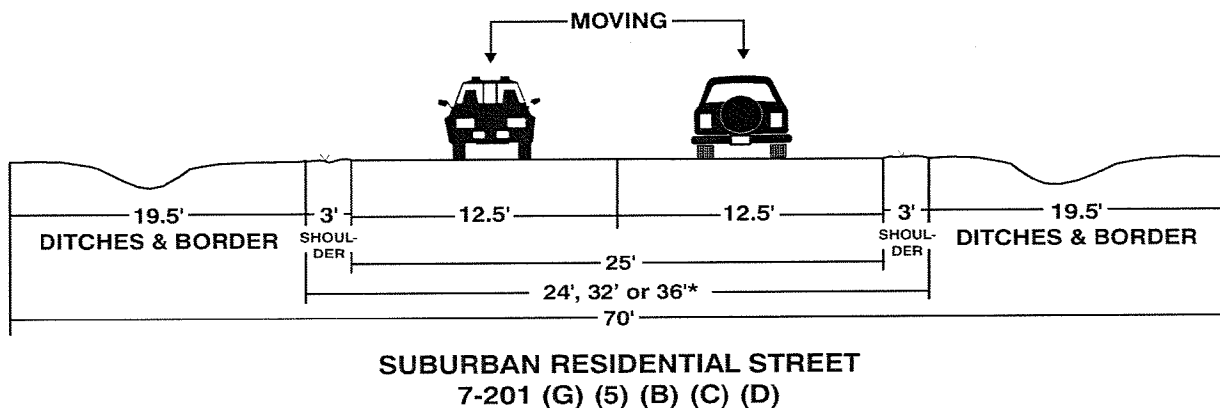
47\*\*\*

\*\*\*Including Shoulder.



**SUBURBAN COLLECTOR STREET**  
7-201 (G) (5)

	Street R.O.W. <u>In Feet</u>	Roadway Width <u>In Feet</u>
(B) Local Suburban Residential - With access to existing street system on both ends – two (2) moving lanes (12.5') - Shoulder, ditches, and border areas.	70	32***



\*\*\*Including Shoulder.

\*24' - Three-Mile Ring; 36' - Cul-de-sac; 32' - loop or through streets

(C) Local Suburban Residential-  
Cul-de-sac: (36') paved or rocked surface, plus 19.5' ditches and border each side. Other internal roads - (32') sand.

(D) Local Suburban Residential within 3 miles of the City of Wichita for lots from 25,000 square feet to one acre in size - 24' paved.

These widths may be modified by the Commission on a showing that special conditions exist such as parallel drainage and roadway systems, utility requirements, considerations for safe and efficient traffic and pedestrian movement, grade problems, intersection design, etc. In applying these standards, workable street systems must be established. Once a pattern of widths, based on function for a given area has been established, the pattern shall be followed throughout the street system until another system can be established or tied into a collector or arterial system.



- (H) Right-of-way widths for all section line roads and arterials shall not be less than 120 feet. At an intersection approach, 150 feet of right-of-way width shall be required within 250 feet from the section line and taper to 120 feet at a distance of 350 feet from the section line. An additional 25' x 25' corner clip shall be required at the intersection corner to accommodate traffic signals and sidewalk facilities.
- (I) Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.
- (J) Collector streets, if they curve, shall have a minimum centerline curve radius of at least 350-feet. This is based on a design speed of 30 m.p.h. The curve radius may be modified to meet special conditions for other design speeds.
- (K) Streets shall be laid out so as to provide for horizontal sight distances on all curves. These distances shall be:

Local Streets:	200 feet
Collector Streets:	300 feet
Arterial Streets:	500 feet

- (L) Streets shall be laid out so as to intersect as nearly as possible at right angles. A street shall not intersect any other street at less than 80 degrees.
- (M) Street jogs are to be avoided on arterial and collector streets. On local streets centerline offsets of less than 150 feet shall be avoided.
- (N) Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

<u>Roadway Type</u>	<u>Per Cent Grade</u>
Arterial	3%
Collector	4%
Local	5%
Marginal Access and Frontage Roads	5%

- (O) A roadway grade shall not be less than 0.50 of one percent unless approved by the appropriate engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.
- (P) Roadway pavement at intersections shall be rounded by the following minimum radii:

<u>Type of Roadway</u>	<u>Intersecting With</u>	<u>Minimum Curb Radii</u>
Local	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet

Business, Commercial or Industrial Collector or Arterial	Business, Commercial or Industrial Collector or Arterial	50 feet
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Right-of-way lines may be required to be rounded by an arc having at least the same radii as the arc of the curb when normal right-of-way requirements are not sufficient to allow the construction of roadways having the radii set out alone.

- (Q) The dedication of half-street rights-of-way shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street or portion of a street is existing and adjacent to a tract being subdivided, the other half of the street, based on standards set forth in (G), shall be dedicated from the property being subdivided.
- (R) In order to provide for the development of residential areas characterized by streets with reduced traffic speeds, volumes and the absence of through traffic, the platting of streets with a single point of ingress and egress (cul-de-sac) is permitted. Streets that are designed to have a single point of ingress and egress shall not be longer than 800 feet for urban subdivisions, and 1,200 feet for suburban subdivisions. For urban subdivisions, cul-de-sacs shall be provided with a circular turnaround right-of-way with a turn-diameter of at least 70 feet and a street property line diameter of at least 100 feet (see pg. A-2). An alternative turnaround area, approved by the engineer having jurisdiction, may be established if the proposed alternative turnaround area provides access and turning space equivalent to the standard circular turnaround.

For residential streets that are not longer than 150 feet and do not provide access to more than eight dwelling units, a "Y" Type, "T" Type, "L" Type or similar turnaround may be provided as an alternative to the standard circular turnaround (see Page A-3). A street's length shall be measured from the right-of-way line of the street from where the cul-de-sac street emanates to the point that would be located at the center of a circular turnaround if such an improvement was to be provided.

For one-family, two-family or four-family zoned lots abutting a circular or alternative turnaround area, a covenant may be required that indicates the following amount of required off-street parking:

- (1) One-family or two-family structures -- four (4) off-street parking spaces per dwelling unit.
- (2) Three-family or four-family structures -- three (3) off-street parking spaces per dwelling unit.

For areas zoned for industrial purposes, a minimum street property line diameter of 130 feet shall be provided for the circular turnaround for a cul-de-sac street. For suburban subdivisions, a minimum street property line diameter of 150 feet, or more as shall be determined by the appropriate engineer, shall be required.

The platting of a street with a single point of ingress and egress may have a length that exceeds the design standard of 800 feet for urban subdivisions, or 1,200 feet for suburban subdivisions, provided one of the following conditions exists:

- (1) The configuration of the subdivider's ownership prevents the development of an alternate circulation system.
- (2) There exists man-made or natural topographical limitations (e.g. golf courses, lakes and floodways) that dictate a long cul-de-sac.
- (3) A 36-foot wide rock road is installed for a street in a suburban subdivision with a single point of ingress and egress and the plat includes stub streets or a contingent street right-of-way to provide future access to adjoining tracts. In this instance, the cul-de-sac street shall not exceed 2,640 feet.
- (4) An overall preliminary plat (Article 4, Part 4) indicates the eventual continuation of the street to connect with an existing street, in which case a maximum street length of 2,640 feet is permitted in a final plat that is a portion of the overall preliminary plat.

Emergency access easements shall be dedicated to mitigate the concerns regarding emergency access that are created by cul-de-sac streets that exceed 800 feet in length in urban subdivisions or 1,200 feet in length in suburban subdivisions. A guarantee shall be submitted by the subdivider that assures the construction of an all-weather roadway surface within an emergency access easement along with all planned access points to adjacent public or private street systems. The subdivider shall also guarantee any required gating, fencing or special signing necessitated by the platting of an emergency access easement.

For urban-scale subdivisions, cul-de-sac streets that serve more than 24 dwelling units, or other streets that serve more than 48 lots, including dwelling units provided access by way of short "circles" and "courts" that emanate from the cul-de-sac street, shall be platted with 64 feet of street right-of-way. A guarantee for construction of a 35-foot wide paved roadway shall be required. For single-family areas, the number of dwelling units being served by a 58-foot street right-of-way may be increased to 32 for a cul-de-sac or 64 for a loop street, if the average width of lots on the spine of the cul-de-sac is 90 feet or greater. The width of lots around the bulb of the cul-de-sac turnaround shall not be counted when calculating average lot width. A lot's width shall be measured at the front yard building setback line.

- (S) Street names shall not be used that will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are, or would be, logical extensions of existing streets even though separated by undeveloped land. Street names, except for existing streets, shall be limited to a maximum of 12 characters, exclusive of prefixes and suffixes, and are subject to the approval of the Planning Commission.
- (T) When a street is platted with a single point of ingress and egress (cul-de-sac), its street name shall include either the "circle" or "court" suffix. The "circle" suffix shall be used when the cul-de-sac is an extension or continuation of a street. The "court" suffix shall be used when the cul-de-sac emanates from a street at a near right angle. (See Attachment 10 - Page A-22.)

- (U) Private streets are generally discouraged; however, when private streets are approved as part of a subdivision, they shall be depicted on the plat as reserves. The construction of private streets to the standards of a public street shall be guaranteed by the plat. The right-of-way width and roadway width for private streets are the same as those required in (G) for public streets. Turnaround provisions for private streets with a single point of ingress and egress are the same as those required in (R) for public streets. The criteria for establishing street names for private streets are the same as those required in (S) and (T) for public streets.

The governing body shall make a determination that the covenants contain a provision authorizing the governing body to maintain the road and charge incurred costs to the owners of the land benefiting from the road if the covenantees fail to maintain the private road.

- (V) When a proposed subdivision is adjacent to unplatted property, the platting of stub streets, to provide future access to the adjacent unplatted tract, shall be provided. If the adjacent unplatted tract is planned for development of a use not compatible with the property being subdivided, the requirement for stub street dedications may be waived.

If the length of the stub street is greater than 150 feet, a temporary turnaround shall be platted or established by separate instrument. If platted, the plat's text shall indicate that the turnaround will be automatically vacated upon extension of the street.

- (W) Subdividers are encouraged to consider projects designed to maximize solar access when not in conflict with existing contours or drainage. When the long axis of individual structures will run parallel to the street, streets should be oriented as nearly as possible in an east/west direction. If the long axis of structures will be perpendicular to the street, north/south street orientation is preferable for solar access purposes.
- (X) The dedication of contingent right-of-way shall be provided upon the determination of the Subdivision Committee to allow for the City's future needs for urban subdivisions; to provide potential street connection to the adjoining undeveloped property; to prevent the "landlocking" of abutting properties, and to avoid an excessive number of individual driveways along section line roads. If adjoining the plat line, the contingent right-of-way dedication may be a half-street right-of-way. The plat's text on City plats shall note that the "contingent street dedication shall become effective upon the City's need for the right-of-way for any street-related purpose". The plat's text on County plats shall note that "the contingent right-of-way dedication shall become effective upon the platting of any adjacent subdivision having a street connecting thereto. The costs of constructing said street are to be borne by the person(s) or agency that owns said adjacent subdivision".

#### **7-202. Alleys.**

- (A) When provided, the minimum width of an alley shall be 20 feet.
- (B) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

- (C) Alleys with a single point of ingress and egress to a street shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities as determined by the engineer having jurisdiction.

**7-203. Blocks.**

- (A) The lengths, widths and shapes of blocks shall be determined with due regard to:
- (1) Provision of adequate building sites suitable for the special needs of the use contemplated.
  - (2) Zoning requirements as to lot sizes and dimensions.
  - (3) Need for convenient access, circulation, control and safety of street traffic.
  - (4) Limitations and opportunities of topography.
- (B) A block in an urban subdivision should not exceed 1,300 feet in length, unless the block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a modification of this requirement.
- (C) All blocks shall be designed so as to provide two (2) tiers of lots, unless a different arrangement is required in order to comply with Sections 7-201(D), 7-201(R), or is permitted by Section 7-204 (H).
- (D) Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.
- (E) In blocks of 800 feet or more in length, a pedestrian access easement for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. The pedestrian access easement shall have a right-of-way width of not less than 10 feet, and extend entirely through the block at approximately the midpoint of the length of the block. The platlor shall guarantee the construction of a sidewalk within the pedestrian access easement.

**7-204. Lots.**

- (A) The lot size, width, depth, shape and orientation, and any platted minimum building setback lines shall be established with consideration being given to the location of the subdivision within the City or County and relative to the type of development and use contemplated.
- (B) Lot size and perimeter dimensions shall be in accordance with the requirements of the Zoning Regulations. For subdivisions that are subject to the provisions of Commercial Community Unit Plans, the perimeters of proposed lots shall match the perimeters of C.U.P. parcel boundaries. For subdivisions that are subject to the provisions of Residential Community Unit Plans, the perimeters of proposed blocks shall match the perimeters of C.U.P. parcel boundaries. Final plats, generally, shall not be scheduled for review by the

Subdivision Committee and MAPC until all associated zoning requests, annexations, and/or Community Unit Plans, if any, have been approved by the governing body. However, if an associated zoning request or Community Unit Plan has been approved by the Planning Commission, and significant opposition to its development proposal was not voiced by property owners within the legal protest area and the developer and the Planning Department are in agreement regarding the provisions of the development plan or where simultaneous review of zoning and subdivision issues would aid in a logical determination of appropriate land use, the Director of Planning may authorize the scheduling of a final plat before the Subdivision Committee or MAPC prior to the governing body considering an associated zoning request or Community Unit Plan.

(C) RESERVED

- (D) The maximum depth of all residential lots shall not exceed two and one-half times the width of the lot. For residential lots being platted for development of solar energy systems, the depth of the lots may exceed the 2.5 to 1 ratio provided the additional depth is needed to achieve or enhance solar access for individual building sites. For all other lots, the depth shall not exceed three times the width.
- (E) Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths set forth in subparagraph (E) above, shall be measured at the building setback line along an arc parallel to the right-of-way of the cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than 50% of the required lot width measured at the building setback line.
- (F) With the exception of land 20 acres or more considered for exemption purposes pursuant to Section 3-105, the area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these Regulations, the zoning code or any other code applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section when a greater area or dimensions are required to meet the yard requirements of the zoning ordinance.
- (G) Double frontage lots shall not be platted for individual dwellings (e.g., single and two-family units), except where the lots abut upon a limited access highway or arterial street or where the topography or orientation of the land prevents reasonable subdivision. Double frontage lots shall not have vehicular access through them from the local street to the arterial street.
- (H) The depth and width of lots platted for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (I) Corner lots being platted for residential use shall have extra width to permit the establishment of a 15-foot building setback from the side street.
- (J) Lots located at an arterial street intersection or at an intersection with an acute angle, which in the opinion of the Planning Commission is likely to be dangerous to traffic movement, shall have a radius of 20 feet at the intersection of street rights-of-way. On business, commercial and industrial lots, a chord may be substituted for a circular arc.

- (K) For lots adjacent to railroad tracks, "complete access control" shall be dedicated across the lot's street frontage for a minimum distance of 150 feet from the centerline of the nearest railroad track.
- (L) Access issues including driveway distance from intersections, spacing standards for driveways along section line roads, median length at intersections, traffic impact studies, and cross lot access shall be in accordance with the requirements of the City of Wichita or Sedgwick County Access Management Policy.
- (M) For lots located adjacent to an arterial street, access control shall be dedicated across the lot's frontage to the arterial street. The number of permitted access points shall be determined by the Planning Commission based upon the recommendations of the engineer having jurisdiction and planning staff.

Staff recommendations on the number of permitted access points and distance between access points, shall be a function of the amount of lot frontage, the arterial street operating speed and the traffic carrying capacity of street improvements.

For commercial or industrial subdivisions along arterial streets, subdividers are encouraged to establish shared access points to the arterial street and provide access easements between lots to reduce the number and frequency of driveways onto the major street. Based upon the recommendations of the engineer having jurisdiction and planning staff, the Planning Commission may require the platting of access controls that establish:

- (1) Joint access points along common property lines; or
  - (2) A cross-lot access agreement provided by the subject plat to the benefit of the adjoining property, whereby the adjoining property would subsequently, upon platting, be required to dedicate complete access control. In both above instances, a Cross-Lot Circulation Agreement would be required to ensure internal access among the lots.
- (N) For lots adjacent to or near local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in the mapped floodplain, the platting of the lowest floor elevation shall be required. The minimum building opening elevation shall be expressed in NAVD88. The elevation requirement shall be indicated on the face of the plat as well as referenced in the plat's text.
  - (O) The inclusion of pipeline easements and easements for lakes or other significant drainage features within the perimeter of lots being platted for urban density single family, duplex or four-plex dwelling units is discouraged.
  - (P) Key or flag lot configurations are generally discouraged except for the purpose of securing or enhancing solar access on individual building sites or to deal with unique situations of topography or ownership.
  - (Q) In accordance with Section III-B.5.d(5) of the Unified Zoning Code Ordinance, urban subdivisions may establish side-yard setbacks to provide for zero lot line development.

If the proposed zero lot line subdivision is subject to the provisions of a Residential Community Unit Plan, there may be a need to reference special language on the face of the plat and in the plat's text regarding side-yard setback flexibility. Specifically, the Community Unit Plan may provide for the required side-yard setback to be reduced to 10 feet for garages only. In order to allow for the side-yard setback flexibility established by the text of a Community Unit Plan, the final plat shall specify on the face of the plat, as well as in the plat's text, that side-yard setbacks for blocks (specify by numbers) are per the requirements of the (name) Community Unit Plan (DP-[number]) on file with the Wichita-Sedgwick County Metropolitan Area Planning Department.

- (R) For subdivisions that propose the use of individual sewage lagoons, the gross area of each lot shall not be less than five (5) acres. This minimum area requirement is exclusive of adjacent street right-of-way that has been dedicated previous to the submission of the plat. The lot area may be reduced to not less than 4.5 acres in recognition of the additional street right-of-way dedicated through the plat for internal access or to meet desired standards along section line roads. Regardless of the lot size, the configuration of each lot must:
  - (1) Ensure that adequate lot area exists for the construction and maintenance of the lagoon.
  - (2) Ensure that adequate separation will be maintained between the lagoon and on-site water wells.
  - (3) Ensure that adequate separation will be maintained between the lagoon and adjacent property lines and public or private rights-of-way, i.e., 100 feet minimum setback and 250 feet by 250 feet minimum building area unless lagoons are designed to be "twinning" along common property lines in accordance with requirements of the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable, and this feature is expressed on the plat tracing and by covenant filed for such lots.
  - (4) Be consistent with the area requirements for sewage lagoons that is stated in associated health codes.
- (S) In accordance with Section III-B.5e(1) of the Unified Zoning Code, subdivisions may be established for cluster development provided the following criterion are met:
  - (1) A calculation sheet shall be submitted with the subdivision application that indicates what percentage of the cluster subdivision will be platted as a reserve(s) for permanent community open space. This percentage shall be computed by dividing the area of the land being platted for permanent open space by the total area of all lots for one-family dwellings in the subdivision. Also included with the percentage calculation, shall be a statement regarding if the percentage reduction is to be applied to lot area, front yard or rear yard setbacks or all three standards.
  - (2) As provided for in the Unified Zoning Code text, reductions in lot area, front-yard or rear-yard setbacks shall not exceed 20% of the standards established for traditional single-family residences in the "SF-5" Single-Family zoning district. Any reduction in any of the three standards must be compensated for by providing permanent community open space.



In order to achieve a reduction of lot area, the lot width and depth requirements of Sections 7-204 (C) and (D) may be modified.

- (3) Land to be established for permanent community open space shall be platted as a reserve. In addition to the requirements of 7-208(E) of these Regulations a covenant or deed restriction, approved by the City or County attorney, as appropriate, shall be submitted for recording that ensures the following:
  - (a) That the open space will not be further subdivided in the future;
  - (b) That the use of the open space will continue in perpetuity for the purpose specified; and,
  - (c) That the common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- (4) At the time of submitting a preliminary plat for the cluster subdivision, a copy of the preliminary plat shall be submitted with specific area calculations for each lot not containing at least 5,000 square feet.

If zero lot line dwelling units are to be constructed within the cluster development, a side-yard setback shall be platted from the side lot line upon which the adjacent lot's zero lot line unit will be constructed. The typical 12-foot, side-yard setback platted in zero lot line developments may be reduced through cluster development, but in no case shall the required separation between buildings be less than 10 feet. For all subdivisions platted for cluster development, the final plat shall reference, on the face of the plat, as well as, in the plat's text, the reduction percentage calculated by dividing the area of permanent community open space by the total area of all lots being platted for one-family dwellings.

#### **7-205. Easements.**

(A) **Public Utility Easements.** Public utility easements shall be provided in order to meet current standards. Easements for public utilities should typically be centered on rear or side lot lines and shall be at least twenty feet (20') wide along rear lot lines and ten feet (10') wide along side lot lines. Where necessary to protect existing tree rows from damage, these easements may be widened appropriately, not to exceed thirty feet (30'). Where an existing lot is already served by any water or sewer line in existing utility easements, and the utility easements are less than the minimum width established in this section, additional water easements or sewer easements up to the minimum width shall be provided when there is a request for a lot split or a vacation of a portion of the lot.

Prior to the approval of the lot split or vacation, and within the time provided in Article 6, City of Wichita/ Sedgwick County shall take the following actions if the additional easement is required:

- (1) All of the owners of lots along the entire block shall be contacted by the City of Wichita/Sedgwick County staff to dedicate such similar additional easements in order to meet current standards. All property owners shall be informed that the expanded easement improves accessibility for maintenance and repairs and protection of workers.

(2) The City of Wichita/Sedgwick County shall allow pre-existing encroachments to remain and hold property owners harmless from damage to the pre-existing encroachments resulting from the work in the additional easement.

(3) The City of Wichita/Sedgwick County shall offer one hundred dollars (\$100.00) to each property owner for the additional easement.

Utility easements for street lighting purposes shall not be required to exceed 10 feet (10') in width. If a utility easement is to also be used for drainage purposes, the easement shall be designated on the plat as both a utility and drainage easement, and additional width may be required. For plats or lot splits in areas with existing water and sewer mains, a public sewer easement or public water easement may be required to protect a private sewer line or private water line across one ownership to serve another ownership with the approval of the System Planning and Development Division of the City of Wichita Water and Sewer Department.

(B) **Public Drainage Easements**. If a subdivision is traversed by a water course, drainage way, channel or street, then a storm water easement or drainage right-of-way shall be provided. Storm water and drainage easements or right-of-way shall conform substantially to the lines of the water course and shall be of such width or construction, or both, as may be required to provide for adequate storm water drainage and for access and maintenance of drainage improvements. Parallel streets or parkways may be required in connection with the platting of drainage easements or right-of-way.

If a drainage easement is also to be used as a utility easement, the easement shall be designated on the plat as both a utility and a drainage easement, and additional width may be required.

On suburban plats a triangular drainage and utility easement may be required at the corners of intersecting street rights-of-way. Where street rights-of-way intersect at ninety (90) degrees, the limit of such easement would be defined by a line drawn between two points located on the rights-of-way lines that are twenty-five feet (25') back each way from the corner.

Drainage easements shall be vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water.

Where the approved drainage plan designates a rear yard utility easement as conveying surface stormwater runoff, a minimum grade of (one) 1 percent shall be established and the easement shall be designated as a utility and drainage easement.

If a drainage and utility easement is to contain a sanitary sewer line, additional width shall be required by the City Engineer.

(C) **Vision Triangle Easements**. Vision triangle easements may be required on any corner lot or adjacent to parking easements to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of vision triangle easements shall be based on the type of intersection (3-way, four, protected, unprotected, etc.), the type of street (local, collector, arterial, commercial or industrial), topography, proposed street grades (if any), and the design speeds contemplated for such roadways.

(D) **Pedestrian Access Easements.** Pedestrian access easements may be required on plats when an access easement is needed to provide a connecting link to public or private parks or school sites.

(E) **Vehicular Access Easements.** Vehicular access easements, when authorized by the Planning Commission, may be established to provide access to a lot or building site that does not benefit from direct frontage on a public or private street. The use of vehicular access easements are intended for limited use on property being subdivided for development of multiple-family, office and shopping center complexes. Vehicular access easements are not intended for single-family or duplex developments unless the use of such an easement provides a means to overcome topographical or other unique design limitations. They are not intended for use as an alternative to dedicating public street systems that are needed to provide public access to either the subject site or adjoining lands.

For commercial centers and multiple-family residential areas, an unobstructed easement of at least 20 feet shall be granted. Vehicular access easements serving single-family or duplex lots shall not be less than 12 feet in width. The vehicular access easement shall be established by separate instrument and depicted on the final plat tracing along with pertinent recording information. The text of the instrument establishing the easement shall clearly state which properties are benefited by the easement, which properties are responsible for initial construction and maintenance of the driving surface within the easement and that obstruction of the easement is prohibited. If vehicle parking is desired on one or both sides of the access easement, then prior approval must be obtained from the engineer with jurisdiction.

(F) **Private Utility Easements.** Private utility easements shall be established only when an easement is needed to cover an existing sewer service or water service line. The private easement shall be established by separate instrument and depicted on the final plat tracing along with pertinent recording information. The establishment of a private utility easement shall not be considered an alternative to guaranteeing the extension of sanitary sewer and municipal water to a proposed lot that is not already served by these required utilities with in place private service lines.

The establishment of a private utility easement over an existing utility service line shall be accompanied with the granting of a public utility easement at a suitable location for future extension of public utilities to directly serve the lot or building site benefiting from the terms of the private utility easement. A guarantee for this future public utility extension shall also be submitted.

(G) **Parking Easements.** Parking easements that allow back-out parking into public streets may be platted within reserves established for common maintenance, provided, the parking area is not located on major, collector or through residential streets or in areas where they would interfere with drainage, utilities, or sidewalks. Parking easements shall be platted as part of only single-family or duplex residential areas that are designed for non-through vehicular traffic. The residential area shall not contain more than fifty (50) dwelling units.

Parking easements shall be a minimum of twenty feet (20') deep and have a maximum street frontage of fifty feet (50'). The easement shall not be at a location dangerous to the public such as on a street curve.

Parking easements are intended for use by guest passenger vehicles, only, and shall not be used for the parking or storage of trucks, boats, campers, recreational vehicles, or trailers.

- H) **Street Easements.** Street easements shall be platted adjacent to both sides of narrow local residential streets. The width of street easements shall be fifteen feet (15'). A covenant providing for the restriction of lot owner use of the street easement shall be submitted. The covenant shall prohibit the construction of retaining walls and change of grade within the street easement. The covenant shall also prohibit the construction of fences, the placement of earth berms and the installation of mass plantings within the easement. The planting of landscape materials within the street easement shall be approved by the City Forestry Division prior to installation.
- I) **Pipeline Easements.** Pipeline easements existing on the property being subdivided shall be depicted on the face of the plat. The pipeline easement shall be clearly dimensioned, and the recording information for the instrument establishing the easement shall be referenced. The platting surveyor shall research the text of the pipeline easement agreement to be sure that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement. If a setback from the pipeline easement is provided for in the pipeline easement agreement, it shall be indicated on the face of the plat. If the pipeline easement agreement does not establish building setbacks from the pipeline, or if the setbacks provided for in the agreement are determined to be inadequate, the Planning Commission may establish setbacks to be indicated on the plat. Any relocation, lowering or encasement of a pipeline, made necessary by a subdivision, shall not be at the expense of the City, the County, or any public utility company.
- J) **Wall Easements.** In order to set aside land for the construction of walls, either required by Community Unit Plans and/or planned by the subdivider, the platting of wall easements are permitted. Wall easements shall typically be five feet (5') in width, shall be referenced in the plat's text and shall not encroach into any street easement or land being dedicated for street or drainage purposes.
- A wall easement shall be platted separately from a utility, storm sewer, drainage easement or reserve if provided for by the utility layout plan or drainage plan of a subdivision. Based upon the recommendation of the engineer having jurisdiction, the platting of wall easements within utility or storm sewer easements may require the execution of a Hold Harmless Agreement, a commitment for special wall construction provisions, i.e., removable wall sections, or the making of satisfactory arrangements with affected utility companies. Any special arrangements made necessary by the platting of wall easements shall be completed prior to submitting the plat for scheduling before any governing body.
- K) **Avigational Easements - See Section 7-107**
- L) **Private Drainage Easements or Agreements.** Private drainage easements or agreements shall be established when required by the drainage plan for the subdivision. Private drainage easements shall be established by separate instrument and depicted on the final plat tracing along with pertinent recording information.
- M) **Maintenance/Emergency Access Easements.** Maintenance/emergency access easements shall be platted when property is being subdivided for development of zero lot line dwellings. The easement shall be a minimum of five feet in width. The platting of the maintenance/emergency access easement shall be referenced in the plat's text. The following wording is suggested:

The maintenance/emergency access easements, as shown, are hereby platted for the purpose of pedestrian emergency access, construction, maintenance, the extension of the footing and a two-foot overhang of the structure on the adjacent lot.

**7-206. Business, Commercial and Industrial Subdivisions.**

- (A) **Streets.** In addition to the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business, commercial or industrial use may be increased by the Planning Commission to such extent as the Commission may deem necessary to assure the free flow of through traffic without interference from vehicles that are making turning movements, vehicles that are parked or are parking.
- (B) **Blocks.** Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (C) **Frontage Road.** When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a frontage road to provide ingress and egress to and from the lots or blocks being platted. When the dedication of right-of-way for a frontage road is required, the name of that street shall include the "drive" suffix along with the name of the limited access highway or arterial street that parallels the frontage road.

**7-207. Reserves.**

- (A) When the subdivider desires to set aside land for amenities to be enjoyed by the residents of the subdivision, the land shall be platted as a reserve. Such amenities may include: open space, landscaping and associated irrigation systems, entry monuments, private sidewalk systems, walls, fences, earth berms, recreational facilities, group mailbox structures, guardhouses or gatehouses, lakes and ponds. In order to avoid future conflicts with the purposes platted for a reserve, it is suggested that utility easement uses within the reserve be confined to appropriately wide utility easements. Reserves shall not be landlocked, and must either abut a street or be connected to a street by an access easement.
- (B) When the subdivider desires to access lots by way of a private street, the private street system shall be platted as a reserve. The private street reserve shall also be platted as a public utility and drainage easement.
- (C) Whenever the Planning Commission determines that land within a subdivision may be needed for a future public purpose, e.g., park, school site, public facility, etc., the land shall be platted as a reserve for possible future acquisition by a public agency. See Section 7-105 of these regulations.
- (D) Whenever reserves are platted as a part of a subdivision, the platting of the reserves shall be referenced in the plat's text. This reference shall clearly state the purposes of the reserve in addition to who is going to own and maintain the reserves. On the face of the plat, the perimeter of reserves shall be indicated with a solid line that is identical to a lot line.

- (E) When reserves are platted, a covenant shall be filed that specifies that future ownership and maintenance of reserves will be the responsibility of a homeowner's or lot owner's association made up of the property owners of lots benefiting from the reserves. The covenant shall state when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- (F) Except when reserves are required to be platted under the provisions of Section 7-105 of these regulations, ownership of reserves shall not be vested with individuals or corporations. Reserves are to be owned by an association representing the owners of lots that benefit from the amenities of the reserves.
- (G) Reserves for private drive purposes may be platted to provide access to lots, provided a covenant is filed that not only sets forth ownership and maintenance of the private drive reserves, but also future reversionary rights of the reserve to the lots benefiting from the reserve. The platting text shall reference the platting of the reserve for private drive purposes and shall state which lots are to be accessed by the reserve. For residential plats, not more than three (3) lots shall be dependent upon any one private drive reserve for their access to either a public or private street system.
- (H) The platting of a reserve for a specific use does not override the requirements of the zoning district in which the reserve is located. Land use is determined by the zoning text, not by the uses listed for a reserve on a plat.
- (I) For reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. This covenant shall provide that the cost of such maintenance may be charged back to the owner(s) by the governing body.
- (J) In accordance with Section III-D.6.aa, of the Wichita-Sedgwick County Unified Zoning Code, subdivisions within the City of Wichita may plat a reserve for purposes of a neighborhood swimming pool provided the following criteria are met:
  - (1) The restrictive covenant submitted regarding ownership and maintenance of reserves in the subdivision shall specify that the reserve being platted for the neighborhood pool will be owned and maintained by a homeowner's or lot owner's association.
  - (2) A detailed site plan of the neighborhood swimming pool facility shall be submitted to the Director of Planning for review and approval. The site plan shall be submitted at the time the final plat is submitted for scheduling before the Subdivision Committee.
  - (3) The detailed site plan shall be to scale and shall identify the location of all proposed uses including the pool, clubhouse, outside activity areas, mechanical equipment, parking, screening, landscaping, points of ingress and egress, and any other appropriate dimensions or information that would assist in review of the plan.
  - (4) The reserve shall not be platted as a blanket utility or drainage easement. Utility and drainage easement uses within the reserve shall be confined to appropriately wide easements.

- (5) Plator's text shall reference platting of the reserve for "recreational uses including neighborhood swimming pools".

**7-208. Drainage.**

- (A) Drainage concepts and drainage plans, as required by Sections 5-302(D)(5) and 5-403(E) of these regulations, shall be submitted to the engineer having jurisdiction. Plans for the mitigation of stormwater pollution may also be required by the engineer (e.g., Developer's Pollution Prevention Plan, structural and nonstructural best management practices, or erosion and sediment control practices).
- (B) If the drainage plan for a multiple-family, commercial or industrial subdivision (MF-18 zoning and less restrictive) calls for the passage of storm water runoff from one proposed lot onto another proposed lot, the subdivider shall submit a cross-lot drainage agreement for recording with the plat. The cross-lot drainage agreement shall clearly state which lots within the proposed subdivision are to accept storm waters from other lots within the subdivision.
- (C) If the drainage plan for a subdivision calls for the passage of storm water runoff from the proposed subdivision onto property that is outside the perimeter of the plat, the platting engineer and/or surveyor shall work with the engineer having jurisdiction. Based upon a determination by the engineer having jurisdiction, the subdivider may be required to provide for on-site detention of storm waters and/or acquire an off-site drainage easement or agreement. Any off-site drainage easement or agreement shall clearly state that the proposed subdivision may continue to drain onto the property that is beyond the subdivision's perimeter.
- (D) If the drainage plan for subdivision calls for the proposed subdivision to accept drainage from property that is outside the perimeter of the proposed subdivision, the subdivider shall provide either specific drainage easements to handle the passage of storm water onto the plat or, by separate instrument, establish a drainage agreement or covenant with the owner of adjacent properties. The drainage agreement or covenant shall clearly state that the proposed subdivision will continue to accept drainage from the affected adjacent properties. The choice between whether a specific drainage easement or a drainage agreement/ covenant is needed, shall be the discretion of the engineer having jurisdiction.
- (E) When a subdivider proposes the dedication of right-of-way for drainage purposes, the subdivider shall also guarantee the construction of an improved channel or swale within the dedication, if necessary. The design of the channel or swale shall be approved by the engineer having jurisdiction.
- (F) A detailed drainage plan shall be submitted for urban-scale, multi-lot subdivisions and shall specify existing contour lines, finish grade elevations at all corners and, if the lot is crowned to drain two or more directions, the direction of storm water flow by arrows. For lots in the federal flood management areas, the required building pad elevations will be the lowest floor level, and for lots in the local flood area, it will be the elevation of the lowest opening. The detailed drainage plan shall be marked "approved by the applicable Engineer."

The submitting of the detailed drainage plan does not have to occur prior to review of the final plat by the Planning Commission. The detailed plan shall, however, be on file in both the appropriate engineer's office and the office of the appropriate building permit issuing official prior to release of the plat for recording. Modifications may be made to the plan by the appropriate engineer after the plat has been approved.



**8-101. Subdivision Types.** For purposes of this article, subdivisions shall be classified as follows:

Urban Subdivisions. All subdivisions lying within an incorporated city and those subdivisions in the unincorporated areas of Sedgwick County having or intended to have a density of more than one dwelling unit per 25,000 square foot lot. All subdivisions or portions of subdivisions being platted for commercial, industrial, and public or semi-public purposes (directly related to an urban residential subdivision) are considered to be urban subdivision.

Suburban Subdivisions. All residential subdivisions lying in the unincorporated areas of Sedgwick County that have a density of one, or less than one, dwelling unit per 25,000 square foot lot are considered to be suburban subdivisions.

When interpreting this article, any time a tract of land is split by the application of a three-mile ring (i.e., a line drawn in a circular fashion that is three miles from the corporate limits of a city), the tract shall be considered to be within three miles of the city only if over fifty (50) percent of the area of the tract lies within the three mile ring. If over fifty (50) percent of the tract lies outside the ring, then the entire tract shall be considered to lie outside the three-mile ring.

**8-102. Engineering Jurisdictions.** When setting standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petitions and establishing the amount of surety for guaranteeing the installation of required improvements; the following table shall be used to designate the "appropriate engineer" for the type of improvement listed:

Improvement	Appropriate Engineer	
	Column A	Column B
	City of Wichita	All Unincorporated Areas of Sedgwick County
Roadways, Alley, Curbs and Gutters, Sidewalks and Street Drainage Facilities	City Engineer	County Engineer
Water Supply Systems	Director of Water Sewage Treatment of the City of Wichita*	County Code Enforcement

Fire Hydrants	Director of Water Sewage Treatment of the City of Wichita and the Fire Chief of the City of Wichita	County Fire Chief
Sanitary Sewer Systems	City Engineer*	County Engineer*
Storm Sewer Systems/Storm Water Management	Storm Water Engineer	County Engineer
Street Signs	City Engineer	County Engineer
Underground Wiring	Utility Company	Utility Company
Overhead Wiring	Involved	Involved
Gas Lines		
Benchmarks	City Engineer	County Engineer
Monuments		

\*With the approval of the Kansas Department of Health and Environment and the City of Wichita-Department of Environmental Services, as applicable, when required by Law.

**8-103. Required Improvements.** The subdivider of a proposed subdivision shall install, or guarantee the installation of, the following facilities and improvements:

(A) Streets.

For urban subdivisions being platted for residential development, all local and collector streets shall be paved with pavement that conforms to the standards adopted by the appropriate governing body. Streets shall also be paved in subdivisions that are being platted for development of office, commercial or industrial uses.

For suburban subdivisions located within three-miles of the City of Wichita that are proposing lot sizes from 25,000 square feet to one acre in size and involve property identified as being within the future urbanizing area, all local streets required by these regulations shall be paved in accordance with a suburban street pavement standard.

The suburban street pavement standard shall provide for a minimum of six inches of base stabilization with treated subgrade and shall not require the installation of curb and gutter. The paved roadway shall provide a 24-foot wide driving surface and shall be paved with a minimum of six inches of asphalt or concrete. The asphalt thickness may be increased to the thickness called for in the "Supplementary Pavement Thickness Design Manual for Residential Streets within the

Wichita Metropolitan Area" based upon a determination by the County Engineer that a thicker pavement is warranted. In all cases, construction of paved suburban roadways shall provide for installation of adequate roadside shoulders and adjacent open ditch drainage.

For suburban subdivisions not required to construct paved suburban streets, all roadways required by these regulations shall be constructed with gravel or sanded surface. If other than a gravel or sanded surface is desired, the suburban street pavement standard as described for suburban subdivisions shall be used.

For urban subdivisions in or within three (3) miles of the City of Wichita, the Subdivider shall provide for paved access of section-line roads between the nearest paved segment and the entrance to the subdivision, in conformance with the standards established by City Council policy.

Paving of arterial streets shall be required in accordance with the following provisions:

- (1) Within any unincorporated portion of an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when a Community Sewer System (CSS) is proposed or when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers).
  - (a) Where paving on the arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. To offset its costs and the debt service on obligations issued to pay for such paving, the petition shall be based on a charge to the subdivider of \$950 per acre of land platted. The fee shall be guaranteed by surety that is acceptable to the County, prior to final plat approval. The fee shall be credited to the account established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.
  - (b) Where paving on the arterial street does exist at the time of platting to the entrance to the subdivision, in order to offset its share of the costs of paving arterial streets and the debt service on obligations issued to pay for such paving, Sedgwick County shall charge a benefit fee, in accordance with the following fee schedule, to any property that is subdivided after the effective date of this Ordinance within the unincorporated portion of an Urban Growth Area, except as specifically exempted below. The fee shall be guaranteed by surety that is acceptable to the County, prior to final plat approval. The fee shall be credited to the account established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.

- i. For properties that do not have access to an arterial street paved as of the effective date of Res. No. 201-2005 (Publ. 12-27-05), the benefit fee shall be \$950 per acre.
  - ii. For properties that have access to an arterial street paved as of the effective date of Res. No. 201-2005 (Publ. 12-27-05), the benefit fee shall be \$475 per acre.
  - iii. The benefit fee shall not apply to properties that pay fees to Sedgwick County under the provisions of Paragraph 1(a) above, are outside an Urban Growth Area, or to existing structures that are not subject to platting.
- (2) Outside an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers). Where paving on an arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. In the petition, the subdivider shall agree to be responsible for the entire cost of the paving and will pay the costs to Sedgwick County in full, or by surety that is acceptable to the County, prior to final plat approval.

Effect of Future Annexations. The imposition of the above fees shall apply irrespective of any future annexation by a city.

(B) Sidewalks.

Sidewalks, when required, shall be guaranteed from curb to curb of intersecting streets rather than to property lines. Sidewalks shall be constructed as near as possible to property lines rather than curb lines.

For urban subdivisions, sidewalks shall be guaranteed for construction at locations that conform to the requirements of the City of Wichita's Sidewalk Ordinance. This ordinance applies to not only property within the city limits of Wichita, but also to all unincorporated property within three (3) miles of Wichita's corporate boundaries.

An alternative sidewalk plan may be proposed by the subdivider that indicates the construction of sidewalks at locations different from those required by the Sidewalk Ordinance. The Planning Commission may recommend that the Wichita City Council accept the alternative sidewalk plan provided it is determined that the alternative plan provides a pedestrian circulation system that is equal to or superior to the circulation system required by the Sidewalk Ordinance. If an alternative plan indicates the construction of sidewalks within private open space, the subdivider shall guarantee the construction of such sidewalks by a method acceptable to the engineer having jurisdiction. A covenant that assures the perpetual maintenance of the sidewalk system within private open space

shall be submitted by the subdivider. This covenant shall be recorded with the Register of Deeds and shall run with the land.

For suburban subdivisions, sidewalks shall not be required unless the engineer having jurisdiction can show how construction of a sidewalk would significantly enhance pedestrian access to schools, parks, or places of public assembly.

(C) Sanitary Sewer.

All sanitary sewer and sewerage treatment systems are subject to regulation by the Kansas Department of Health and Environment. Sanitary sewer lines shall not be combined with storm water sewer lines.

(1) Within the City of Wichita.

(a) Laterals shall be installed in accordance with the standards of the appropriate engineer. Where permanent facilities are in the planning or construction stage, temporary facilities may be used, provided, the lot sizes being created are appropriate for use of a municipal system and a restrictive covenant is provided to guarantee the proper building site necessary for proper functioning of the temporary facilities. If individual treatment systems are used, then the minimum aggregate building site area prescribed in Section 8-103(C)(4) shall be followed.

(b) Mains and submains shall be installed at the direction of the governing body. The cost of such installation may be assessed to benefiting properties or paid from other funds.

(2) Within unincorporated areas designated for urbanized growth, as shown on the adopted comprehensive plan, or on a map approved by the governing body that shows areas designated for future growth or indicates areas to be served by future sewer line extensions, the following requirements shall apply:

(a) Laterals shall be installed in accordance with the standards of the appropriate engineer. Temporary facilities may be used as provided in (1) (a) above.

(b) Mains (and submains) shall be installed at the direction of the governing body. The extensions of mains shall be made at the discretion of the governing body. The decision to extend a main shall evaluate the cost of the extension relative to the rate of growth expected in the area to be served by the main. The length and size of the sewer main extension shall be reasonable when the cost of the line extension is compared to the number of people to be served by the improvement. The cost of such construction may be paid from the funds of the governing body as deemed proper by them. Those costs that are legally chargeable to a benefit district may be so assessed or such costs may be recovered later by use of a connection or "hook-up" fee. Connection or hook-up fees shall be payable at the time of development. In those areas where growth is expected within the planning period, but extension of main sewers is not yet feasible as determined by the governing body, the subdivider shall provide either the necessary main

extensions to connect to an existing sanitary sewer system or an on-site treatment facility (such as a "package plant") that is satisfactory to the appropriate engineer, the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable, and the Kansas Department of Health and Environment. When the subdivider is required to provide the main sewer, treatment facility, or submain sewer, the governing body may participate in improvement costs to the degree that it determines the public interest is served.

- (3) For urban subdivisions in other areas, the subdivider shall provide municipal-type sanitary sewer service approved by the appropriate engineer or an on-site treatment facility that is satisfactory to the appropriate engineer, the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable, and the Kansas Department of Health and Environment. In approving such a system, the MAPC may require a covenant be filed that prohibits certain land uses that are inappropriate to discharge into on-site systems.
- (4) For all other areas not covered by the preceding sections, on-site systems of sewage disposal may be used on individual lots, provided that:
  - (a) All new lots on property on which an onsite wastewater treatment system is to be constructed must provide a lot size with a minimum of 43,560 square feet. This minimum size requirement is independent of all other area and separation requirements;
  - (b) There is a soil profile and other soil tests made for each lot or such number of lots as may be specified by the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable. The lots shall be satisfactory for a septic tank system if there is a percolation rate from 6 to 60 minutes per inch or less. Lots shall be satisfactory for a sewage lagoon if there is a percolation rate of 61 minutes per inch or more. For lots with soils found to have percolation rates between 0 and 5 minutes per inch, a specially designed sewage disposal system approved by the Director of Environmental Services shall be required. Soils information available at the Office of the Sedgwick County Soil Conservation District shall be consulted where conditions indicate that more detailed soils information is needed, and;
  - (c) There is at least 10 feet of separation between the groundwater elevation and the ground surface as determined by the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable.
  - (d) Any property shall have preliminary soil profiling completed before platting in order to determine if there is sufficient area for the primary dispersal or soil absorption system as well as a reserve area for the dispersal or soil absorption system. An area of equal size to the primary dispersal or soil absorption area shall be held in reserve for future replacement of same.
  - (e) A sewerage system, of any kind, may not be constructed and/or used on any lot, tract or parcel outside the boundary of any city until a permit has been issued by the County or State official authorized to issue the sewerage system permit.

When the City of Wichita Department of Environmental Services Health/County Code Enforcement, as applicable, determines that soil conditions or lot sizes are not suitable for septic tank systems or other on-site sewage disposal facilities, sanitary sewer and/or sewage treatment facilities, approved by the appropriate engineer, shall be provided.

(5) Community Sewer Systems (CSS):

(a) CSS Oversight Committee. The County Manager shall establish an oversight committee for the purpose of which shall be to review the technical feasibility of proposed community sewer systems; educate builders and the public regarding these systems; provide technical assistance regarding the systems, if requested and as able; monitor and review CSS implementation and operation; and make other recommendations as appropriate.

(b) Maintenance Responsibility. Community sewer systems shall be owned and maintained by a city or a sewer district. The developer shall petition for inclusion of the proposed CSS in the sewer district or acceptance of the facility by a city prior to issuance of a permit. Within an Urban Growth Area, the pertinent city shall be contacted regarding the assumption of maintenance responsibility for the CSS and may require a cost-effectiveness determination before accepting that responsibility.

(c) Criteria for Use of CSS. A CSS shall be a type that has been approved by the County Manager's CSS Oversight Committee prior to the Planning Commission review of the final plat. The number of different types of CSS allowed shall be limited so that cities and sewer districts can more easily maintain all systems for which they assume responsibility.

(1) The CSS Oversight Committee shall consider for approval only nitrogen-reducing systems with a proven history based on operating records, or an approved equivalent.

(2) A CSS shall only be approved for domestic strength wastewater.

(d) Standards for Use of CSS:

(1) No building permits shall be issued until the CSS has received all applicable permits for the sewer system.

(2) Within an Urban Growth Area, a CSS shall be installed in accordance with the sanitary sewer system requirements and specifications of the pertinent city (except when otherwise allowed by a city on a case-by-case basis), including the city's criteria specified for location and connection to its municipal sewer when that system is extended to the subdivision.

(3) Easements for the approved system shall be dedicated at the time of platting.

- (4) The developer shall provide a petition, as required by the city, for future extension of the sewer main to serve the property. The city may also require a petition for annexation.
- (5) In a subdivision using a CSS, the minimum lot size shall be 12,000 square feet, with minimum side yard setback of twelve feet.
- (6) For any of the requirements of this Subsection (C) that call for action by a governmental agency, the requirement for municipal-type sewer facilities shall not apply if the governing body does not fulfill its obligation within a set period of time. The amount of time available to the governing body shall be determined by the Planning Commission at the time the final plat is approved. The amount of time shall not exceed five (5) years. If the governing body fails to act within the established time period, the subdivider may proceed with approved individual treatment systems

(D) Water Supply Systems.

- 1) Within an Urban Growth Area, the subdivider shall contact the city to which the Urban Growth Area pertains, as designated in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Plan, to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then the subdivision shall be connected to the city's water system in accordance with that city's standards.
- 2) Where it is not currently financially feasible to connect a subdivision to the city water system within an Urban Growth Area, the subdivider may provide a community well system.
  - a. Said system shall be installed to city standards applicable to the installation of the city's municipal system in order to permit eventual connection to the municipal system when a water main is extended to the subdivision.
  - b. The property owner shall apply for and obtain permits for the community well from the Department of Agriculture, Division of Water Resources and from Kansas Department of Health and Environment.
  - c. The subdivider shall install the well and water distribution system and shall dedicate the system to the city, in accordance with an agreement with the city to assume ownership and operation of the community well and distribution systems.
- (3) In all areas where a municipal or rural water supply system is not available, the subdivider may provide an on-site water supply approved by the appropriate jurisdiction.
- (4) For subdivisions outside the Urban Growth Area, where individual domestic wells are proposed to supply water, well construction shall at a minimum conform to the State of Kansas requirements and regulations. Lots with individual domestic wells shall be at least one acre or larger in size. Except in the case of a single lot for which platting is required, the following standards shall also apply:



(a) A licensed geologist or licensed professional engineer with experience in hydrogeology shall determine, using the Safe Yield Methodology (as defined by Kansas Division of Water Resources rules and regulations, as may be amended from time to time), whether an adequate, safe supply of water is available that does not impair existing water rights. That analysis shall include the following components:

(1) A water availability evaluation shall be done for the proposed subdivision, using the center of the subdivision as the "point of diversion". That evaluation shall include all existing water appropriations within a two-mile radius of the "point of diversion", and the established safe-yield of the aquifer that the subdivision is projected to use for a water supply.

(2) Maximum levels of potential contaminants shall follow recommendations and requirements of the Safe Drinking Water Act and the K-State Bulletin # MF- 912 (as may be amended from time to time). Treatment of the water to meet drinking water suitability requirements shall be provided by the subdivider.

(b) In lieu of the requirements and standards of subsection (a), another method approved by the Kansas Division of Water Resources may be used to satisfactorily demonstrate availability and non-impairment of existing water rights.

(5) During the platting process, perimeter easements shall be dedicated for the potential future extension of public water in accordance with the standards of the municipal entity planning to extend service to the area.

(E) Fire Hydrants.

Fire hydrants, which are in accordance with the standards of the appropriate engineer and fire chief, shall be provided wherever a public water supply system is required.

(F) Storm Drainage System.

For urban subdivisions, a storm drainage system that is both separate and independent of the sanitary sewer system and meets all of the specifications and requirements of the appropriate engineer shall be required. Plans for mitigating stormwater pollution may be required by the engineer. The engineer should consider structural and nonstructural methods that prevent the degradation of stormwater quality and may result in long-term, positive impact on the quality of stormwater runoff. Storm sewers shall be connected to the existing storm drainage system of the City where the subdivision is located, the system of the nearest city or to the nearest major water channel. If such connections are not available, other adequate means for the discharge of the storm drainage system shall be provided by the subdivider.

(G) Street Signs.

For all subdivisions, street signs approved by the appropriate engineer shall be required.

(H) Underground Wiring.

Underground wiring for electric power, cable T.V. and telephone service is required in all subdivisions, except as follows:

- (1) For lines rated over 12,000 volts.
- (2) Appurtenance serving such lines that may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals.
- (3) For those proposed subdivisions or replats of existing subdivisions that are less than six (6) acres in size and located in developed areas that presently have an overhead type of distribution system.
- (4) For those residential subdivisions in the unincorporated areas having a lot size of five (5) acres or more.

All such construction and installation shall be under contract with the utility. Construction or installation shall occur after sanitary sewer lines, if any, are in place.

Nothing in this section shall be construed to mean that the subdivider must provide for underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

(I) Monuments.

For all subdivisions, monuments shall be placed at all block corners, angle points, points of curve in streets, and at intermediate points as determined by the appropriate engineer. Monuments shall be of a material, diameter and length approved by the appropriate engineer. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at least twelve inches below grade or ground level. The appropriate engineer may add additional specifications as determined necessary. Benchmarks may also be required as determined by the appropriate engineer. Benchmarks shall be of a material, size, and length approved by the appropriate engineer.

(J) Relocation of Existing Facilities.

Whenever existing municipal facilities such as sanitary or storm water sewers, water lines, drainage channels, culverts, pipelines, or transmission lines are required to be relocated due to a subdivision, or construction of improvements required as a part of a subdivision, the cost of such relocation shall be the sole responsibility of the subdivider. This is the case even if, at the time of subdivision approval, relocation costs were not specifically identified for the subdivider. The non-municipal utilities are solely responsible for the costs of relocating gas lines, pipelines, underground or overhead electric lines and communication lines due to a subdivision or construction of improvements required as a part of a

subdivision, unless the improvement exclusively serves that subdivision. Utility relocation costs resulting from such exclusive improvements shall be the sole responsibility of the subdivider. The appropriate engineer shall make the determination if the improvement exclusively serves a subdivision.

(K) Best Stormwater Management Practices.

When required by the City or County Engineer, the subdivider shall take measures during construction to minimize soil erosion and sedimentation by wind or water, and to mitigate stormwater pollution.

(L) Improvements Subject to Flooding.

For all subdivisions that include property subject to flooding, new or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters and shall be located so as to avoid their impairment or contamination during flooding, and outside of any floodway reserve or easement.

(M) Off-site Improvements.

For all subdivisions, the subdivider shall guarantee any off-site improvements determined by the Metropolitan Area Planning Commission to be necessary for the development of the proposed subdivision. Such off-site improvements may include, but shall not be limited to, construction of accel/decel lanes or other widenings of existing street pavement, installation of street intersection signalization and/or channelization, street construction, installation of drainage channels or swales and the extension of municipal water, storm sewer or sanitary sewer lines.

(N) Street Lighting.

For new residential streets in all urban-scale plats located within the City of Wichita or within three (3) miles of Wichita's city limits, street lights shall be installed at each intersection. Mid-block lights shall be installed if the distance between intersections exceeds one thousand feet (1,000') or as necessary to enhance traffic safety on curvilinear streets. A street light shall be installed in those cul-de-sacs exceeding five hundred feet (500') in length or as necessary to enhance traffic safety on curvilinear cul-de-sacs. All street lights in new residential areas shall be served underground.

**8-104. Exceptions for Existing Improvements.**

(A) When a proposed subdivision is for an area presently having some of the required improvements set out in Section 8-103, and where the existing improvements meet the requirements of Section 8-103 and are in good condition as determined by the appropriate engineer, the subdivider shall not be required to guarantee installation of duplicate improvements. However, if existing improvements do not meet the requirements of Section 8-103 or are not in good condition, the subdivider shall guarantee the repair, correction, or replacement of the existing improvements.

- (B) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street rights-of-way that are less than the minimum right-of-way widths required by these regulations, land shall be dedicated by the subdivider in order to meet the right-of-way standards of Section 7-201(G), Section 7-201(H) and/or Metropolitan Area Planning Commission policy. The subdivider of the proposed subdivision shall also guarantee the construction of any additional roadway pavement needed to meet the minimum pavement standards as set forth in Section 7-201(G). The appropriate engineer shall determine what adjustment to make, if any, when pavement widenings merge with existing streets, which are of smaller width, at the boundary of the proposed subdivision. The appropriate engineer may reduce the right-of-way required by these Regulations to match an existing roadway system if the extension of the right-of-way is two blocks or less in length and the driving surface is already improved at each end of the right-of-way in the subdivision. The appropriate engineer may also require lanes to be painted on widened streets in order to designate driving and parking areas. The Planning Commission may waive the above stated requirement for pavement widening, if the length of the pavement to be widened is less than 135 feet.

**8-105. Agreement, Bond, Deposit and Petitions Guaranteeing Installation of Required Improvements.** Except for monuments, underground wiring, overhead wiring and gas lines, one of the following methods shall be used by the subdivider to guarantee that improvements required by these Regulations will be installed.

(A) Fiscal Sureties.

Fiscal sureties may be offered and the following shall apply:

- (1) Upon final approval of plans or specifications for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the City or County (depending on the association of the appropriate engineer establishing the standards for the improvements), where the owners and/or subdivider agree to install such required improvements at their own expense in accordance with approved plans and specifications, within the time prescribed by the provisions of these Regulations. The agreement shall be conditioned upon the approval of the final plat for the subdivision.
- (2) Simultaneously with the execution of the agreement provided for in subparagraph (1) above, the owner and the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the governing body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. The financial guarantee shall be conditioned upon approval of the final plat and further conditioned upon the actual completion and installation of the required improvements within two (2) years from the date that the final plat is approved by the Planning Commission.
- (3) Simultaneously with the execution of the agreement provided for in Section 8-105(A)(1) above, if the

subdivider furnishes a corporate completion bond, he shall also deposit in escrow with the governing body, who is to accept the improvements AND cash in the amount of fifteen percent (15%) of the cost of all improvements to be made in accordance with the plans and specifications for the improvements. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit in favor of the governing body, fifteen percent (15%) of the amount of such cashier's check, escrow account, or letter of credit of the governing body shall be held as a deposit in escrow after the final completion of the improvements. The subdivider shall agree that the deposit in escrow may be held by the governing body for a period for twenty-four (24) months after the final completion of the improvements for the purpose of:

- (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for the improvements, latent in character, and not discernible at the time of final inspection or acceptance by the governing body; and,
- (b) Guarantee against any damage to the improvements by reason of the settling of the ground, base or foundation.

The escrow agreement shall also provide that, if defects develop in the improvements the deposit may be applied by the governing body toward the costs incurred for correcting the defects; and that the balance of the deposit, if any, shall be held to the end of the twenty-four (24) month period. Upon completion of the twenty-four (24) month period, the balance of funds in the escrow account shall be returned to the depositor without the payment of interest by the governing body.

- (4) Prior to offering any improvement to the governing body, the subdivider shall furnish good and sufficient guarantee that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services during the construction of improvements have been paid in full and that there are no claims for damage or suits against the contractor involving the improvement.
- (5) Petitions for future municipal services for urban developments within a city's adopted growth area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.

(B) Petitions.

Petitions to the governing body of any city or the county may be submitted as a means of guaranteeing to the governing bodies the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

- (1) The petitions must be valid petitions as may be provided for under Kansas law.
- (2) The petitions must be reviewed and approved by the appropriate engineer prior to acceptance and

approval by the governing body. Petitions should be accompanied by a breakdown in spreadsheet form of the estimated assessment costs for each lot. Should the governing body decide to accept petitions as a guarantee, they shall be accepted and approved concurrently with the approval of the subdivision.

- (3) The initiating resolution for the petitioned improvements must be adopted by the governing body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of the resolution shall be paid by the subdivider.
  - (4) A certificate signed by the petitioners, which states that petitions have been filed and approved by a governing body and that the property within the plat will be liable for the payment of special assessments in the future, has been submitted for recording with the Register of Deeds.
  - (5) Petitions for future municipal services for urban developments within a city's adopted growth area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.
- (C) Monuments and benchmarks shall be installed by the subdivider before the subdivision plat is recorded with the Register of Deeds.
- (D) If required by the Planning Department, the subdivider shall submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made to guarantee the installation of underground wiring. This letter shall be submitted to the Planning Department, prior to release of the plat for recording.

**8-106. Vacation of a Subdivision.** Prior to the sales of any lots within a subdivision, the subdivider may file for the vacation of the plat prior to the time that the improvements covered by platting guarantees are installed. After the plat is vacated, all fiscal sureties associated with the plat shall be returned to the subdivider.

**9-101. Petitions.** If the subdivider intends to submit petitions to the governing body as the means to guarantee the improvements required by Article 8 of these regulations, the subdivider shall so advise the appropriate engineer at the time of the preliminary plat. If the petition method is authorized by the appropriate engineer, petitions shall be submitted to that engineer for forwarding to the appropriate governing body. For petitions to be acceptable guarantees, they must be approved by the governing body concurrently with the final plat. If petitions are rejected by the appropriate governing body, then a platting requirement has not been met and the subdivision shall not be approved by the governing body. In this instance, the plat shall be placed on hold until such time as the applicant has resolved his financial obligations, or has selected another acceptable guarantee method (i.e., cash deposit, actual construction, letter of credit or performance bond).

**9-102. Final Improvement Plans.** When the use of petitions has not been authorized by the appropriate engineer, or proposed petitions have been rejected by a governing body, the subdivider shall have a licensed professional engineer prepare engineering drawings for the required improvements. The engineering drawings shall contain all data and information specified in Section 9-103 of these regulations. The drawings shall be certified by a licensed professional engineer. A blueline copy of the drawings shall be submitted to the appropriate engineer at least thirty (30) days prior to the date that a governing body considers the subdivision proposal. A reproducible copy (vellum or mylar) of the drawings shall be submitted to the appropriate engineer at least seven (7) days prior to the date that a governing body considers the subdivision proposal. Failure to provide the appropriate engineer with at least thirty (30) days time to review and approve engineering drawings will be considered automatic consent to an extension of, or a waiver by the subdivider of, any time limitation for subdivision approval. The subdivider may contract with any governmental agency or public utility company to prepare the required engineering drawings.

The engineer having jurisdiction may waive the requirement for submission of final improvement plans, prior to the plat being considered by the governing body if, in the engineer's opinion, adequate substitute information has been submitted. In this instance, information shall be submitted that permits a determination of expected costs for both the preparation of final improvement plans and the installation of required improvements. The guarantee submitted shall be of a sufficient dollar amount to cover the costs of plan preparation and improvement construction.

**9-103. Content of Engineering Drawings.** Engineering drawings for required improvements shall contain the following data and information:

- (A) Plans, details, specifications and cost estimates for roadway and sidewalk construction, including plans, survey indicating existing topography and elevation, including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. This information shall be shown on standard plan and profile sheets unless otherwise required by the appropriate engineer.
- (B) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.

- (C) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and water hydrants, if any.
- (D) Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants, if any.
- (E) Grading plans for all lots and other sites in the subdivision.
- (F) When unusual site conditions exist (e.g. high groundwater), the appropriate engineer may require such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
- (G) All plans shall be based on NAVD88 (North American Vertical Datum 1988) for vertical control.
- (H) All plans for underground and overhead wiring and gas lines shall be prepared by, or at the direction of, the utility involved.

**9-104. Review of Plans.** The appropriate engineer, official or agency responsible for determining specifications and standards referred to in Section 8-103 shall review all engineering drawings in order to determine whether the drawings are consistent with the approved preliminary plat and comply with their design standards. If the drawings are consistent with the preliminary plat and comply with design standards, the reviewing official shall so notify the Planning Commission. In the event that the drawings do not conform or comply, the reviewing official shall notify the subdivider of the specific defects of the drawings so they may then correct the drawings. If the drawings are not corrected, the reviewing official shall forward to the Planning Commission a notice outlining the item of nonconformity or noncompliance.

**9-105. Construction of Improvements.** Improvements shall not be constructed nor shall any work preliminary to improvement construction be done until such time as a final plat and the required engineering drawings have been approved and there has been compliance with all of the requirements relating to an agreement, bond and deposit specified in Section 8-105 of these Regulations.

**9-106. Inspection.** All improvements constructed shall be subject to inspection by the appropriate engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvement. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any required inspections take place, the subdivider may be required to post a deposit with the appropriate official or such agency entrusted to keep the security for the official, to cover the cost of the inspections. The subdivider shall give at least forty-eight (48) hours written notification to the official prior to the performance of any of the following work:

- (A) All phases of roadway and sidewalk construction.
- (B) All phases of construction in public rights-of-way including, but not limited to water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.



**9-107. Inspection Procedures.** After notice is received as specified in Section 9-106, the official designated in Section 9-106 may conduct an on-site inspection to determine if the work complies with the approved engineering plans and specifications. If in the opinion of the official the work does not comply with the final drawings, they shall have authority to order that the work be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of the defects or deficiencies, the subdivider shall again notify the official designated in Section 9-106.

**9-108. Final Inspection.** Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the official designated in 9-106, who shall then conduct a final inspection of all improvements installed. If the final inspection indicates that there are defects or deficiencies in the improvements as installed or if there are any deviations in the improvements as installed from the final engineering plans and specifications, the official shall notify the subdivider in writing of the defects, deficiencies or deviations. The subdivider shall, at their sole cost and expense, correct the defects or deviations within six (6) weeks of the date of notification.

When the defects, deficiencies or deviations have been corrected, the subdivider shall notify the designated official that the improvements are, again, ready for final inspection. After the final inspection is made and before acceptance of the improvement by the governing body, the subdivider shall file an affidavit with the appropriate engineer certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled. The affidavit shall be executed by the subdivider.

**9-109. Report to the Governing Body.** If a final inspection verifies that all installed improvements are free from defects and deviations, the official designated in Section 9-106 shall certify to the governing body that all improvements have been properly installed. The receipt of the certification by the governing body shall establish the date the 24-month period specified in Section 8-105 (A)(3) shall commence.

**9-110. Acceptance of Improvements.** Upon the receipt by the governing body of the certificate of the official that all improvements have been installed in accordance with the approved engineering drawings, and the requirements of this regulation and all other applicable statutes, ordinances and regulations, the governing body shall by Resolution formally accept the improvements. The improvements shall become the property of the governing body involved.

**9-111. As Built Plans.** Upon the completion of all improvements within the perimeter of the final plat and prior to acceptance of improvements by the governing body the subdivider shall furnish "as built" plans for streets, stormwater, drainage facilities, sanitary sewers, and easement grading, to the official designated in 9-106. The plans shall be certified by a licensed professional engineer.

**10-101. Appeals General.** The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these Regulations by the Planning Department to either the Subdivision Committee or to the Planning Commission. Decisions of the Subdivision Committee may be appealed by the subdivider or the Planning Director to the Planning Commission. In the event the Planning Commission sustains the Subdivision Committee, the action of the Subdivision Committee shall be final, except as otherwise provided in Section 10-103 of these Regulations. If the Planning Commission overrules the Subdivision Committee, their reasons shall be reflected in the official minutes of the meeting.

As provided for in Section 10-103, the decisions of the Planning Commission, regarding required improvements, may be appealed to the Governing Body of the appropriate engineer for streets as established in Section 8-102 unless otherwise provided for in these Regulations. Appeals shall be considered within thirty (30) days after the subdivider notifies the Planning Department in writing of their desire to appeal a decision. In the event the governing body sustains the Planning Commission, the action of the Planning Commission shall be final, except as otherwise provided by law. If the governing body overrules the Planning Commission, their reasons shall be reflected in writing or in the official minutes of the meeting.

**10-102. Appeals on Improvement Standards.** All appeals regarding improvement standards, or plans and engineering drawings in connection with required improvements, shall be directed to the governing body. The decision of the governing body shall be final.

**10-103. Waiver of Required Improvements.** Any waiver of required improvements mentioned in Article 8 of these Regulations may be made only by the appropriate governing body by showing that the improvement is technically not feasible. Waiver of sidewalk requirements shall be directed in writing to the City Council of the City of Wichita in the manner set forth in the Sidewalk Ordinance adopted by the City Council.

**10-104. Modification of Design Criteria.** In cases where there is unwarranted hardship in carrying out the literal provisions of these Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning Commission may modify the design criteria.

- (A) When used in this Section, the term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.
- (B) A request for the modification of design criteria shall be made to the Planning Department. The Planning Department shall then transmit the request to the Planning Commission. The Planning Commission shall give the applicant and all interested persons an opportunity to be heard with respect to the request.
- (C) The Planning Commission shall not grant the request for modification of design criteria unless the Commission finds that the strict application of the design criteria will create an unwarranted hardship, and unless the proposed modification is in harmony with the intended purpose of these Regulations and that the public safety and welfare will be protected.

- (D) Modifications permitted under the provisions of this Article shall not include changes from the requirements of making improvements required in Article 8, unless the change is approved by the governing body as required in Section 10-103 of these Regulations.
- (E) Modifications to the standards contained in these Regulations may be permitted when the proposed development exhibits features that foster increased density, mixed uses or atypical street patterns and/or development standards.

Also, modification or changes to the provisions of the Unified Zoning Code, except as to a reduction of minimum building setback, shall not be permitted; however, setbacks from County roads shall not be modified. Consideration of a request for a design modification pursuant to this Article does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the City or County.

**10-105. Modification - Planned Developments.** When a plat or subdivision is prepared in connection with plans for a comprehensive group development that is a part of a Community Unit Plan or Planned Unit Development District authorized by the zoning regulations, then the Planning Commission may modify the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a subdivision in accordance with the approved Community Unit Plan or Planned Unit Development District.

**10-106. Request for Legal Opinion.** An applicant, through staff, may request a legal opinion on any part of this text and its regulations from the legal counsel of the appropriate governing body.

**11-101. Interpretation and Construction.**

- (A) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable requirements imposed by the provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards or requirements shall govern.
- (B) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- (C) A subdivision of land that was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- (D) The provisions of these regulations are cumulative and additional to all other laws and ordinances heretofore passed or that may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
- (E) Except as provided for in Sec. 11-102 of these Regulations, words or phrases defined in the Unified Zoning Code shall have the same meaning whenever the word or phrase is used in these Regulations.

**11-102. Definitions.** Any word or phrase that is defined in this Section shall have the meaning assigned to it whenever the word or phrase is used in these Regulations, in staff reports or during hearings before the Subdivision and Utility Advisory Committees, the Planning Commission or a Governing Body.

**ABUT:** To physically touch or border upon; or to share a common property line.

**ACCEL LANE:** An added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

**ACCESS CONTROL:** Access control is the limitation of public access rights to and from properties abutting streets or highways. Access control is used on higher functional classes of roadways to preserve high-quality traffic service and to improve safety.

**ALLEY:** A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and the lots. An alley is not intended for general traffic circulation.

**AMENITY:** A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.

**ANNEXATION:** The incorporation of a land area into the city limits of Wichita.

**APPLICANT:** A person submitting an application for approval.

**AUXILIARY LANE:** An auxiliary lane is that portion of the roadway adjoining the traveled way for parking, speed changes, turning, storage for turning, weaving, or for other purposes supplementary to through traffic movements.

**BENCHMARK:** Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum 1988 (NAVD88).

**BLOCK:** A unit or parcel of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

**BORE HOLE OR SOIL BORING:** Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the City of Wichita Department of Environmental Services/Sedgwick County Code Enforcement, as applicable.

**BOUNDARY SHIFT:** A change in the boundary between adjoining lands that does not create an additional building site and such transaction, when completed, shall result in tracts of land or lots that comply with the design requirements for lots in Section 7-204 of these regulations and with the applicable provisions of the Wichita-Sedgwick County Unified Zoning Code and Chapter 14, Article V, Sanitary Code of Sedgwick County.

**BUILDING SETBACK LINE (FRONT):** A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.

**CATCH BASIN:** An inlet designed to intercept and redirect surface waters.

**CHANNEL:** A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

**CHANNELIZATION:** (1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) A traffic control device that forces vehicles into certain traffic flows or turning movements.

**CIRCLE:** A street naming suffix designating a street with a single common ingress and egress (cul-de-sac). The "circle" suffix is used as a part of a street name when the cul-de-sac is a logical extension or continuation of a street e.g., 14th Circle. See Section 7-201(T).

**CITY:** The City is defined as the City of Wichita, Kansas.

**CLUSTER SUBDIVISION:** A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. The clustering design technique concentrates building in specific areas on the site to allow the remaining land to be set aside for recreation, meaningful common open space and preservation of environmentally sensitive features.

**COMMISSION:** The Wichita-Sedgwick County Metropolitan Area Planning Commission.

**COMMUNITY SEWER SYSTEM (CSS):** A sewerage treatment system designed to serve a limited number of properties in a limited geographic area; generally two or more lots within a single plat or adjoining plats.

**COMPREHENSIVE DEVELOPMENT PLAN:** Any official map or street plan, the future land use map or plan, or any other plan or map of any city or of the Wichita-Sedgwick County Metropolitan Area Planning Commission, for the guidance of municipal growth and improvement of that City, the Metropolitan Area, or Sedgwick County.

**COUNTY:** The County is defined as Sedgwick County, Kansas.

**COURT:** A street naming suffix designating a street with a single common ingress and egress (cul-de-sac). The "court" suffix is used as a part of a street name when the cul-de-sac emanates from a street at a near right angle, e.g., 14th Court. (See Section 7-201(T)).

**CROSSWALK:** A strip of land dedicated for public use that is established across a block for the purpose of providing pedestrian access to adjacent areas.

**CULVERT:** A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

**CURB CUT:** The opening along the curb line at which point vehicles may enter or leave a roadway.

**CURB RETURN:** The connecting link between the street curb and the ramp (driveway) curb.

**DECEL LANE:** An added roadway lane that permits cars to slow down and leave the main vehicle stream.

**DEDICATION:** Gift or donation of property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.

**DESIGN STANDARDS OR DESIGN REQUIREMENTS:** All requirements and regulations relating to design and layout of subdivisions contained in Article 7 of these regulations.

**DETENTION POND:** A storage facility for the temporary storage of storm water runoff. The storm water may be released to downstream facilities at a designed rate of flow.

**DEVELOPER:** The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land.

**DIRECTOR OF PLANNING:** The chief administrator or executive of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**DRAINAGE SYSTEM:** Pipe, waterways natural features and man-made improvements designed to carry drainage.

**DRIVE:** A street naming suffix designating a marginal access street or frontage road, e.g., Kellogg Drive.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**EASEMENT, AVIGATIONAL:** An air rights easement that protects air lanes around airports.

**EASEMENT, DRAINAGE:** An easement required for the installation of storm water sewers or , waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

**EASEMENT, PRIVATE:** A right-of-way granted for limited use of land for a public purpose.

**EGRESS:** An exit.

**ENCROACHMENT:** Any obstruction in a delineated floodway, right-of-way, easement, building setback or adjacent land.

**ENCUMBER:** To place a legal claim or restriction upon a tract or parcel of land.

**ENGINEER:** A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

**FIRE HYDRANT:** An outdoor water supply outlet with wrench-actuated value and a connection for a fire hose.

**FLOOD, BASE ELEVATION:** The highest elevation, expressed in feet above sea level, of the level of flood waters having one percent chance of being equaled or exceeded in any given year.

**FLOOD CONTROL:** The elimination or reduction of flood losses by the construction of flood storage reservoirs, channel improvements, dikes and levees, by-pass channels, or other engineering works.

**FLOODWAY:** The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river, without increasing the water surface elevation at any point more than one foot. See RESERVE.

**FLOODWAY FRINGE:** That area of the mapped flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and Flood Boundary/Floodway Map and the water surface elevation of the base flood.

**FLOODWAY, REGULATORY:** The channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS (Flood Insurance Study) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FORCE MAIN:** A sanitary sewer line through which waste water is pumped rather than carried by gravity flow.

**FRONTAGE:** That side of a lot abutting on a street; the front lot line.

**FRONTAGE ROAD:** A public or private marginal access roadway generally paralleling and contiguous to a street or highway and designed to promote safety by eliminating unlimited ingress and egress to the street or highway by providing points of ingress and egress at more-or-less uniformly spaced intervals. A frontage road is designated by the use of the suffix "Drive" in the name assigned to the road, e.g., Kellogg Drive.

**GOVERNING BODY:** The elected governing body of any city or of Sedgwick County.

**GROUNDWATER:** Any subsurface water in the zone of saturation, including but not limited to spring water, perched water tables, seasonal water tables and aquifers.

**HALF-STREET:** The street right-of-way, measured from the street's centerline, that borders one or more property lines of a subdivision.

**HOMEOWNERS ASSOCIATION:** A community association, other than a condominium association, that is organized in a development where individual owners share common interests in open space or facilities. The homeowners association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from homeowners associations in that condominium associations do not have title to the common property.

**IMPROVEMENTS:** All facilities constructed or erected by a subdivider to permit and facilitate the use of lots and blocks for residential, institutional, business or manufacturing purpose. Improvements shall include all facilities listed in Article 7 of these Regulations.

**INFRASTRUCTURE:** Facilities and services needed to sustain industry, residential, institutional, and commercial activities.

**INGRESS:** An entrance.

**INTERSECTION:** Where two or more roads cross at grade.



**LIMITED ACCESS HIGHWAY:** An expressway or freeway, as defined in these regulations. See STREET, EXPRESSWAY; STREET, FREEWAY.

**LOT:** A designated parcel of area of land established by plat or subdivision to be used, transferred, developed or built upon as a unit.

**LOT DEPTH:** The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**LOT, DOUBLE FRONTAGE:** A lot, with two opposite lot lines that abut upon streets that are more or less parallel.

**LOT, FRONTAGE:** That portion of the lot that lies between the side lot lines and is adjacent to the street serving the lot.

**LOT LINE:** The perimeter of a lot.

**LOT SPLIT:** The dividing of a lot in a recorded plat into not more than four new building sites or parcels for non-industrial lots; and two or more new building sites for industrial lots that meet the requirements of Article 6 of these regulations.

**LOT WIDTH:** The distance between the side lot lines of a lot, at the front yard building setback line.

**MANUFACTURED HOME PARK:** A parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied manufactured homes not placed on permanent foundations. The term "manufactured home park" does not include sales lots where unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection or sale; nor does it include a tract of land where a manufactured home as a second dwelling unit has been permitted on a temporary basis as a conditional use in accordance with these regulations.

**MANUFACTURED HOME SUBDIVISION:** A subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built, single-family dwellings to be placed on permanent foundations.

**METES AND BOUNDS:** A method of describing the boundaries of land by directions and distances from a known point of reference.

**OFF-SITE IMPROVEMENTS:** Improvements located on property outside the perimeter of the subdivision that are determined by the Planning Commission to be necessary because of the proposed subdivision, e.g., construction of streets, signalization of intersections, drainage channels, extension of public utilities, etc.

**ON-SITE:** Located within the perimeter of the property that is subject to an application for subdivision approval.

**OPEN SPACE, COMMON:** Land within or related to a development, not individually owned or dedicated for use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. Common open space is platted as a Reserve and is owned and maintained by a Homeowners Association.

**OWNER:** Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land being subdivided under these regulations. Also any legal entity having legal title to land for which a building permit application is made.

**PACKAGE PLANT:** A prefabricated or prebuilt waste water treatment plant.

**PARKING:** That portion of street right-of-way that is unpaved and that is located between the back of a curb and the street right-of-way line or sidewalk, if such an improvement has been installed. The parking strip provides unobstructed right-of-way for the installation of public utilities (typically gas and water lines), sidewalks, street signs, street lights, street furniture, street trees, emergency call boxes and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

**PEAK HOUR TRAFFIC:** The largest number of vehicles passing over a designated section of a street during the busiest one-hour period during a 24-hour period.

**PERCOLATION:** Downward flow or infiltration of water through the pores or spaces of rock or soil.

**PERCOLATION TEST:** A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

**PETITION, PUBLIC IMPROVEMENT:** A legal instrument that serves as the basis for initiation of a public improvement project by the governing body. A petition is frequently used during the platting process to guarantee the construction of certain improvements that are required as conditions of plat approval, e.g., street paving, water and sewer lines, drainage, etc.

**PLANNING DEPARTMENT:** The Wichita-Sedgwick County Metropolitan Area Planning Department.

**PLAT:** A subdivision, as it is represented as a formal document by drawing and writing, that is presented to the Planning Commission for review and approval in accordance with these subdivision regulations and to the governing body for the acceptance of easements and dedications.

**PLATTING BINDER:** A report issued by a title insurance company setting forth the conditions to be met for certain property to be platted, e.g., easements filed for record, mortgages, fee title owners, etc.

**POTABLE WATER:** Water suitable for drinking or cooking purposes.

**PRIVATE DRIVE:** A use platted for a reserve in order to provide access to lots from either a public or private street system. For residential plats, not more than three lots shall be dependent upon any one private drive reserve for their access to a street system [See 7-208(G)]. A reserve for private drive purposes is the means to access lots within a comprehensive group development for townhouses or garden apartment units or for commercial complexes and office park developments [See 7-207].

**PUBLIC UTILITY FACILITIES:** Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUMPING STATION:** A pumping facility that transports waste water between two gravity flow sewer lines. A pumping station is used when topographic conditions do not allow a continuous gravity flow system.

**RAW SEWAGE:** Untreated domestic or commercial waste water.

**REGULATORY FLOODWAY:** See FLOODWAY, REGULATORY; FLOODWAY.

**RESERVE:** An area of property within a subdivision that is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, floodway, private street, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant that provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility [See Section 7-105(B)].

**RESIDENTIAL CLUSTER:** An area to be developed as a single entity according to a plan and containing residential housing units that have common or public open space area as an appurtenance.

**RESTRICTIVE COVENANT:** A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. The restrictive covenant usually runs with the land.

**RESUBDIVISION:** The subdivision of land that has previously been lawfully subdivided.

**ROAD or ROADWAY:** The paved or improved area existing on the within street right-of-way, exclusive of sidewalks, driveways, or related uses.

**SANITARY SEWERS:** Pipes that carry only domestic, industrial or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

**SCREENING:** Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind the fencing or vegetation. When fencing is used for screening, it shall be not less than six feet in height.

**SEPTIC TANK:** An individual sewage disposal system involving a water tight receptacle that receives the discharge of sewage from a building and is designed and constructed to permit settling of solids from this liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial firms, at regular intervals. Septic tanks are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a waste water treatment plant. Approval of a site for use of a septic tank system involves establishing a minimum lot area to provide for the system's operation, determining that the soil has an acceptable percolation rate and ensuring separation of the system from groundwater.

**SETBACK LINE:** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. Also known as building setback line or yard line.

**SEWAGE:** The total of organic waste and waste water generated by residential, industrial and commercial establishments.

**SEWAGE LAGOON:** A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of purity.

**SEWERAGE:** (1) All effluent carried by sewers whether it is sanitary sewage, industrial waste or storm water runoff; (2) The entire system of sewage collection, treatment and disposal.

**SIGHT DISTANCE:** Sight distance is the length of roadway ahead visible to the driver. Two types of sight distance criteria are primary design controls for urban streets and highways:

1) **Stopping Sight Distance** - The minimum sight distance available on a roadway must be sufficiently long to enable a vehicle traveling at the design speed to stop before reaching a stationary object in its path. The stopping sight distance is the sum of two distances:

- 1) The distance a vehicle travels after the driver sights an object and before braking; and,
- 2) The distance it travels after braking.

2) **Intersection Sight Distance** - This is the unobstructed sight distance along both approaches of both roads at an intersection and across their included corners. The minimum distance must be sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent collisions at the intersection.

**STAFF:** The technical and professional staff of the Metropolitan Area Planning Department.

**STORMWATER:** All runoff, including but not limited to runoff from storms, snow melt, and drainage.

**STORMWATER DETENTION:** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.

**STREET:** Any vehicular way that: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action. The street right-of-way is all land located between the street lines, whether improved or unimproved.

**STREET, ARTERIAL:** Any street serving major traffic movements that is designed primarily as a traffic carrier between cities or between various sections of the city. The arterial street forms part of a network of through streets, and provides service and access to abutting properties only as a secondary function and is designated on the 2030 Transportation Plan.

**STREET, COLLECTOR:** Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

**STREET, CUL-DE-SAC:** A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.

**STREET, DEAD-END:** A street having only one outlet and does not benefit from a turnaround at its end.

**STREET, EXPRESSWAY:** Any divided street or highway with no access from abutting property and has either separated or at-grade access from other public streets and highways.

**STREET, FREEWAY:** Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

**STREET, LOCAL:** Any street designed primarily to provide access to abutting property.

**STREET, PRIVATE:** A street not offered for dedication to the public. A private street is platted as a reserve with the stated purpose of a private street. It is constructed to the same standards as a public street, but is maintained privately.

**STREET, STUB:** A short section of street right-of-way platted to provide future access to an adjacent unplatted tract of property.

**STREET WIDTH:** The amount of street right-of-way abutting a lot's property lines.

**SUBDIVIDER:** The owner, or any other person, firm or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

**SUBDIVISION:** Any establishment, division, or redivision of a lot, tract or parcel of land into one or more lots or other divisions of land for the purpose of sale, development or long-term lease. A long-term lease is a lease that has a remaining term of at least 50 years, including all extensions that may be exercised by the lessee without the necessity of the consent of the lessor.

**SUBURBAN SUBDIVISION:** All residential subdivisions located within the unincorporated area of Sedgwick County that propose a density of one, or less than one, dwelling unit per 25,000 square foot lot.

**SURVEYOR:** A land surveyor registered with the State of Kansas.

**SWALE:** A depression in the ground that channels runoff.

**TERRACING:** An erosion control method that uses small hills and contours on the land surface to control flooding and runoff.

**TOPOGRAPHY:** The configuration of a surface area showing National Geodatic Vertical Datum (NGVD)

**TURNAROUND:** An area at the closed end of a street with a single common ingress and egress where vehicles may reverse their direction.

**URBAN GROWTH AREA:** The geographical area of cities' existing and planned municipal public facilities and services as defined in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Development Plan. (For use in the Urban Growth Area, the terms "city" or "cities" shall mean those municipalities to which the Urban Growth Area pertains.)

**URBAN SUBDIVISION:** All subdivisions located within an incorporated city and those residential subdivisions located within the unincorporated area of Sedgwick County that propose a density of more than one dwelling unit per 25,000 square foot lot. Also, all subdivisions located within the unincorporated area of the County that are zoned for office, commercial or industrial purposes.

**VISION TRIANGLE:** A horizontal triangular area at the intersection of streets maintained to provide an open line of vision for persons approaching the intersection. Within the vision triangle, no one shall install, set out or maintain any sign, fence, hedge, shrubbery, natural growth or other obstruction to view. This restriction shall not apply to: 1) public utility poles; 2) hedges trimmed to a height of less than thirty-three (33) inches above gutter grade on urban roadways, or above the midpoint of the adjacent travel lane for rural roadways; 3) trees, the limbs that are at all times kept trimmed of limbs and sucker growth on the trunk to a heights of at least eight feet above the ground level of the limbs that overhang the public street and are at all times kept trimmed of sucker growth to a height of at least thirteen feet six inches above the street level; or 4) any plant species trimmed so as to leave at all times a clear and unobstructed cross view; 5) ornamental fences not exceeding four feet in height, provided the ratio of the solid portion of the fence to the open shall not exceed one to four; 6) official warning signs or signals; 7) locations where the contour of the ground is such that there can be no cross visibility at the intersection; 8) signs mounted ten feet or more above the ground whose supports do not constitute an obstruction.

**WATER TABLE:** The upper surface of groundwater, or that level below where the soil is seasonally saturated with water. See GROUNDWATER.

**WATERWAY:** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or

intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONING ORDINANCE:** The official Zoning Ordinance of the City of Wichita together with any and all amendments.

**ZONING RESOLUTION:** The official Zoning Resolution for Sedgwick County together with any and all amendments.

**12-101. Amendments.** These Regulations may be amended at any time after the Planning Commission has held a proper public hearing on the proposed amendment. A notice of the public hearing shall be published in the official city and county newspaper as provided by law. At, or after the public hearing is held, the Planning Commission may adopt amendments to these Regulations, but the amendments shall not become effective until approval by both the Wichita City Council and the Sedgwick County Board of County Commissioners.

**12-102. Severability.** If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.



**PART 1. REPEAL**

**13-101. Repeal.** The existing Subdivision Rules and Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission dated July 17, 1958, with amendments thereto, are hereby repealed effective June 30, 1968.

**PART 2. EFFECTIVE DATE**

**13-201. Effective Date - Original.** These Regulations shall be in effect July 1, 1968, after their adoption by the Wichita-Sedgwick County Metropolitan Area Planning Commission and approval by both the Board of Commissioners of the City of Wichita and the Board of Commissioners of the County of Sedgwick.

**13-202. Effective Date - Amendments.** Amendments to these Regulations the latest of which were adopted by the Metropolitan Area Planning Commission on December 4, 2008, shall become effective after approval by the Wichita City Council and publication of the Ordinance and approval by the Sedgwick County Board of County Commissioners and publication of the Resolution.

ADOPTED at Wichita, Kansas, this December 4, 2008.

/s/

Chairman  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

ATTEST:

/s/ John Schlegel  
John Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)

**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council Members

**SUBJECT:** SUB 2008-86 -- Plat of Ledgestone Addition located west of Seneca and north of Pawnee. (District IV)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning (Consent)

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**Staff Recommendation:** Approve the plat.

**MAPC Recommendation:** Approve the plat. (8-0)

**Background:** This site, consisting of four lots on one acre, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2008-51) from SF-5 Single-family Residential to TF-3 Two-family Residential.

**Analysis:** Sewer services are available to serve the site. A Petition, 100 percent, and a Certificate of Petition have been submitted for water extension.

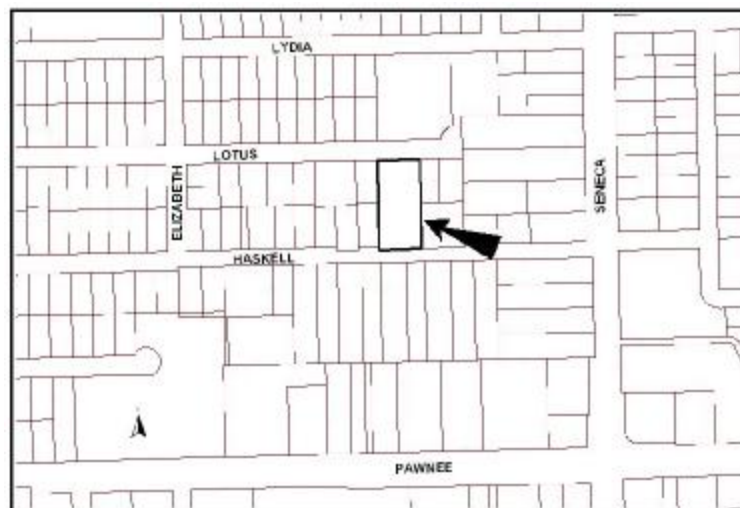
The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions.

**Financial Considerations:** None.

**Goal Impact:** Ensure Efficient Infrastructure.

**Legal Considerations:** The Certificate of Petition will be recorded with the Register of Deeds.

**Recommendations/Actions:** Approve the document and plat and authorize the necessary signatures.





First Published in the Wichita Eagle on February 6, 2009

RESOLUTION NO. 09-029

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90421 (WEST OF SENECA, NORTH OF PAWNEE) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90421 (WEST OF SENECA, NORTH OF PAWNEE) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90421 (west of Seneca, north of Pawnee).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Seventeen Thousand Dollars (\$17,000) exclusive of the cost of interest on borrowed money, with 43 percent payable by the improvement district and 57 percent payable by the City of Wichita Water Utility. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

LEDGESTONE ADDITION

Lot 3, Block 1

Lot 4, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 3, Block 1, and Lot 4, Block 1 LEDGESTONE ADDITION shall each pay one half of the total cost of the improvement district.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 3<sup>rd</sup> day of February, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK  
(SEAL)

ORDINANCE NO. 48-181

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2008-51**

Zone change from SF-5 Single-family Residential to TF-3 Two-family Residential, for property described as:

Lots 1-4, Ledgestone Addition, Wichita, Sedgwick County, Kansas.

Generally located west of Seneca and north of Pawnee.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer - Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney



**CERTIFICATE**

CITY OF WICHITA     )  
SEDGWICK COUNTY) SS  
STATE OF KANSAS    )

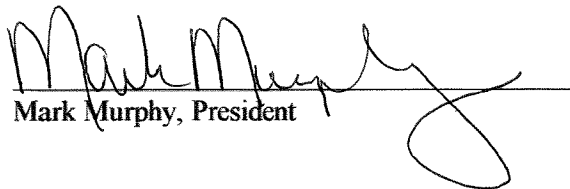
I, Mark Murphy, President of Ledgestone Homes, Inc., a Kansas limited liability company, owner of Ledgestone Addition, Wichita, Sedgwick County, Kansas, do hereby certify that a petition for the following improvement has been submitted to the City Council of the City of Wichita, Kansas:

1. Water Main

As a result of the above-mentioned petition for improvement, the lots or portions thereof within Ledgestone Addition, Wichita, Sedgwick County, Kansas may be subject to special assessments assessed thereto for the cost of construction the above-described improvements.

Signed this 30<sup>th</sup> day of DECEMBER, 2008.

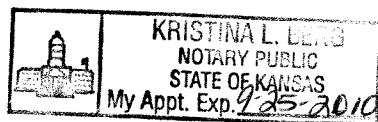
Ledgestone Homes, Inc.,  
a Kansas limited liability company,

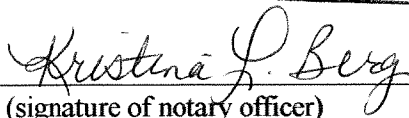
  
Mark Murphy, President

CITY OF WICHITA     )  
SEDGWICK COUNTY) SS  
STATE OF KANSAS    )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of December 2008, by Mark Murphy, President of Ledgestone Homes, Inc., a Kansas limited liability company, owner of Ledgestone Addition, Wichita, Sedgwick County, Kansas.

Seal or Stamp



\_\_\_\_\_, Notary Public  
(signature of notary officer)

My appointment expires: 9-25 2010



**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council Members

**SUBJECT:** A09-02 Request by Paul E. Kelsey, of Kelsey Investments, Inc., to annex lands generally located north of 13<sup>th</sup> Street North and west of 135<sup>th</sup> Street West. (District V)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The City has received a request to annex 11.03 acres of land generally located north of 13<sup>th</sup> Street North and west of 135<sup>th</sup> Street West. The annexation area abuts the City of Wichita to the north, east, south and west of the property. The annexation area is known as the Copper Gate Addition, and its plat was recorded on April 20, 2000. It is anticipated that 72,000 square feet of commercial property will be developed in the next five to ten years.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of 11.03 acres zoned “LC” Limited Commercial. Annexation will not change the zoning of the property. The property to the north and west of the proposed annexation is zoned “SF-5” Single-Family Residential. The property to the south of the proposed annexation is zoned “LC” Limited Commercial. The property to the east of the proposed annexation is zoned “SF-5” and “SF-20” Single-Family Residential.

**Public Services:** The nearest connections to water are a 16-inch main in 13<sup>th</sup> Street North and a 12-inch main in 135<sup>th</sup> Street West. Sanitary sewer is available from an 8-inch line to the west of the subject property. A 24-inch sanitary sewer main is also available in 135<sup>th</sup> Street West to the east of the proposed property, but would require a sewer main extension.

**Street System:** The subject property borders 135th Street West to the east and 13<sup>th</sup> Street North to the south, which are both 2-lane asphalt roads. The City of Wichita Capital Improvement Program (CIP) 2007-2016 has scheduled improvements to 135<sup>th</sup> Street West, from Maple Street to 21<sup>st</sup> Street North, in 2014 and 2015 and 13<sup>th</sup> Street North, from 135<sup>th</sup> Street West to 119<sup>th</sup> Street West, in 2011. The Sedgwick County Capital Improvement Program 2008-2012 and the 2008 Transportation Improvement Program do not call for street improvements near the proposed annexation site.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

**Parks:** West Meadows Park, a 1.5-acre park, is located approximately 1 1/4 miles to the east of the proposed annexation site and contains a children's play area, a basketball court and a tennis court. Swanson Park, a 93-acre park, is located approximately 1 1/2 miles to the southeast from the proposed annexation site and contains a nature trail and parking area. Cowskin Greenway, a 27.06-acre park, is located 2 1/2 miles to the southeast, which is a recreational corridor that will eventually connect Swanson Park and Buffalo Park. Buffalo Park, a 38-acre park, is approximately 3 miles to the southeast from the proposed site and contains 3 softball diamonds, 2 tennis courts, a children's play area, a basketball court and a fishing pond. Meadows Park, a 51.38-acre park, is located 2 miles to the south of the subject property and contains a nature trail, a pond and a children's play area. Auburn Hills Golf Course, a 159-acre golf course, is also located 2 miles to the south of the subject property and is considered an 18-hole champion golf course.

**School District:** The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,050 with a total assessed value of \$615. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$20 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that approximately 72,000 square feet of commercial uses will be developed within the next five to ten years. The total appraised value of this development after completion is estimated at \$8,640,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$69,075 in City annual tax revenues.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

**Legal Considerations:** The property is eligible for annexation under K.S.A. 12-519, *et seq.*

**Recommendations/Actions:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

(OCA150004 Published in The Wichita Eagle on \_\_\_\_\_)

**ORDINANCE NO. 48-182**

**AN ORDINANCE AMENDING SECTION 28.05.010 OF THE CODE OF THE CITY OF WICHITA AND ADOPTING BY REFERENCE THE "WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, DECEMBER 4, 2008 EDITION", PREPARED BY THE METROPOLITAN AREA PLANNING COMMISSION; AND REPEALING THE ORIGINAL OF CHAPTER 28.05 OF THE CODE OF THE CITY OF WICHITA; AND REPEALING THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS JANUARY 28, 1999 EDITION, AND AMENDMENTS THERETO.**

**WHEREAS**, under the authority of K.S.A. 12-741, et seq., the City of Wichita and Sedgwick County desire to adopt a new edition of The Wichita-Sedgwick County Subdivision Regulations to exercise broadly the powers granted to the City and County; and,

**WHEREAS**, pursuant to K.S.A. 12-3009, the City of Wichita is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;**

**SECTION 1.** Section 28.05.010 of the Code of the City of Wichita is hereby amended to read as follows: "The Wichita-Sedgwick County Subdivision Regulations, December 4, 2008 Edition," prepared by the Wichita-Sedgwick County Metropolitan Area Planning Commission is by reference incorporated in and by this publication made part of this title and chapter as fully as though set out at length herein and is adopted as the Subdivision Regulations for the City of Wichita.

**SECTION 2.** The originals of Chapter 28.05 of the Code of the City of Wichita and the Wichita-Sedgwick County Subdivision Regulations January 28, 1999 Edition, and amendments thereto, are hereby repealed.

**SECTION 3.** This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

**PASSED AND ADOPTED** by the governing body at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

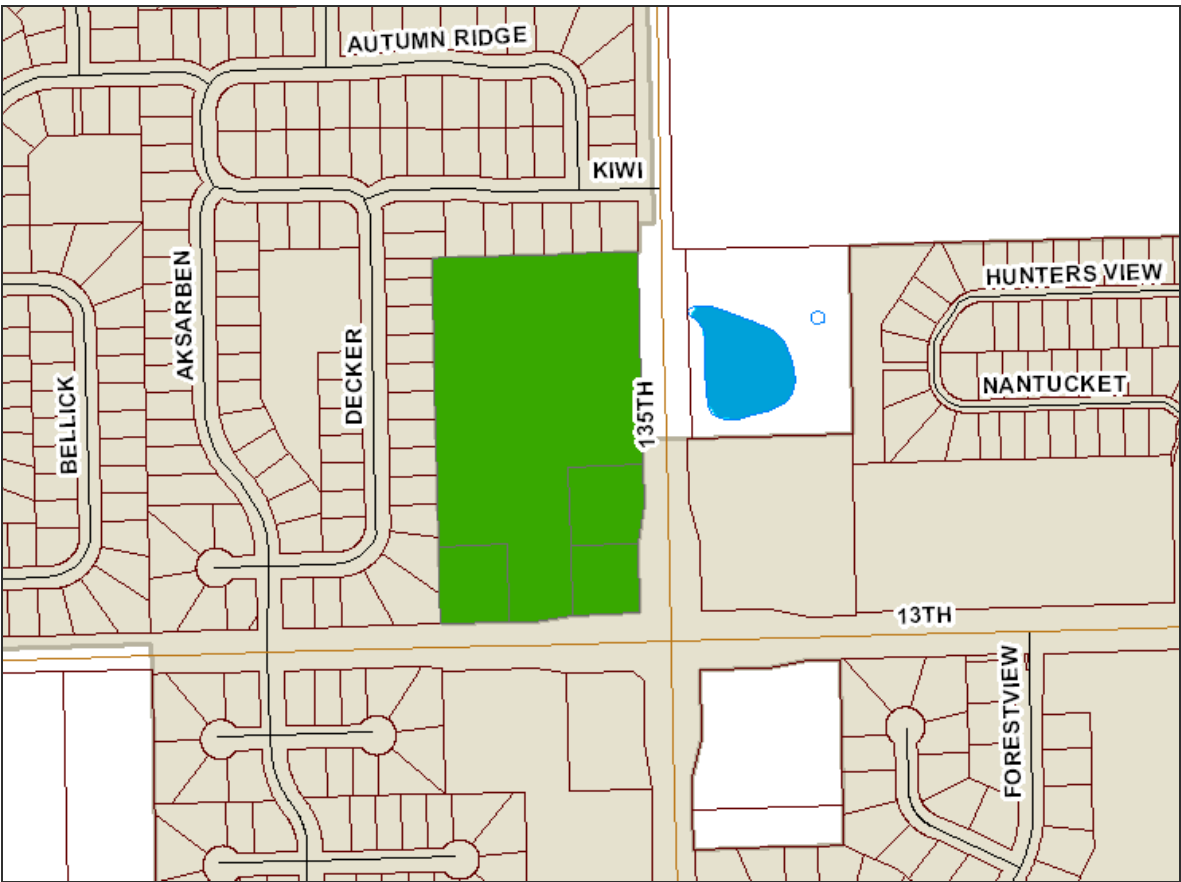
Approved as to form:




\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located north of 13<sup>th</sup> Street North and west of 135<sup>th</sup> Street West. (District V)

<b>Address:</b> _____		<b>Reason(s) for Annexation:</b>	
11.03	Area in Acres	<input checked="" type="checkbox"/> X	Request
0	Existing population (est.)	<input type="checkbox"/>	Unilateral _____
0	Existing dwelling units	<input type="checkbox"/>	Island
0	Existing industrial/commercial units	<input type="checkbox"/>	Other:
Existing zoning:		"LC" Limited Commercial	



-  WICHITA
-  SEDGWICK COUNTY
-  A09-02

**PRELIMINARY ESTIMATES  
FOR CITY COUNCIL FEBRUARY 3, 2009**

- a. 2006-2007 Traffic Signalization, Ph IV: Traffic Signal Installation at I-135 & Hydraulic (472-84424c/706956/206422) Traffic to be maintained using flagpersons and barricades. (District III) - \$139,990.00
- b. 2008 Traffic Signalization, Ph I: Traffic Signal Installation at 21st & Greenleaf and 29th & Ohio (472-84720/706979/208444) Traffic to be maintained using flagpersons and barricades. (District II,VI) - \$350,000.00
- c. 2009 Contract Maintenance Concrete Preparatory Work & Repairs, Phase 1 (north of 71st Street South, east of 167th Street West) (472-84785/132722/N/A) Traffic to be maintained using flagpersons and barricades. (District I,II,III,IV,V,VI) - \$500,000.00
- d. Water Distribution System to serve North Greenwich Addition (north of 29th Street North, east of Greenwich) (448-90411/735435/470108) Traffic to be maintained using flagpersons and barricades. (District II) - \$191,000.00

**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council Members

**SUBJECT:** Petition for a Sanitary Sewer Main to serve an Unplatted Tract (north of 29<sup>th</sup> St. North, east of Greenwich) (District II)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the new Petition.

**Background:** On December 16, 2008, the City Council approved a petition to construct a sanitary sewer to serve a new development located north of 29th St. North, east of Greenwich. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The Petition has been signed by one owner representing 100% of the improvement district.

**Analysis:** The project will extend a sanitary sewer main to a new development located north of 29<sup>th</sup> St. North, east of Greenwich.

**Financial Considerations:** The existing Petition totals \$329,000 with \$65,340 paid by special assessments and \$263,660 paid by the Sewer Utility. The portion paid by special assessments is the main benefit fee of \$0.05 per square foot of ownership. The new Petition totals \$496,000 with \$65,340 paid by special assessments and \$430,660 paid by the Sewer Utility. The Utility's share of the cost will be reduced in the future as the surrounding area is developed and is assessed the main benefit fee.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by providing sanitary sewer main improvements required for new development.

**Legal Considerations:** State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

**Recommendations/Actions:** It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

**Attachments:** Map, Petition and Resolution.

First Published in the Wichita Eagle on February 6, 2009

RESOLUTION NO. 09-035

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF MAIN 29, WAR INDUSTRIES SEWER (NORTH OF 29TH ST. NORTH, EAST OF GREENWICH) 468-84560 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF MAIN 29, WAR INDUSTRIES SEWER (NORTH OF 29TH ST. NORTH, EAST OF GREENWICH) 468-84560 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 08-533 adopted on December 16, 2008 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Main 29, War Industries Sewer (north of 29th St. North, east of Greenwich) 468-84560.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Four Hundred Ninety-Six Thousand Dollars (\$496,000) exclusive of the cost of interest on borrowed money. The Benefit District shall be responsible for paying Sixty-Five Thousand Three Hundred Forty Dollars (\$65,340) of the total cost of the foregoing improvements, such amount representing a \$0.05 per square foot sanitary sewer main benefit fee assessment. The remaining cost of the improvements shall be payable from other available funds of the City, including available and unencumbered funds of the Water and Sewer Utility and proceeds of Water and Sewer Utility Revenue Bonds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after December 1, 2008, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED TRACT "A"

The south 1000.00 feet of the west 1366.80 feet of the N ½ of the SW ¼ of Sec. 34, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, except the west 60.00 feet thereof.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: UNPLATTED TRACT 'A' shall pay 100 percent of Sixty-Five Thousand Three Hundred Forty Dollars (\$65,340) of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 3<sup>rd</sup> day of February, 2009.

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CARL BREWER, MAYOR

ATTEST:

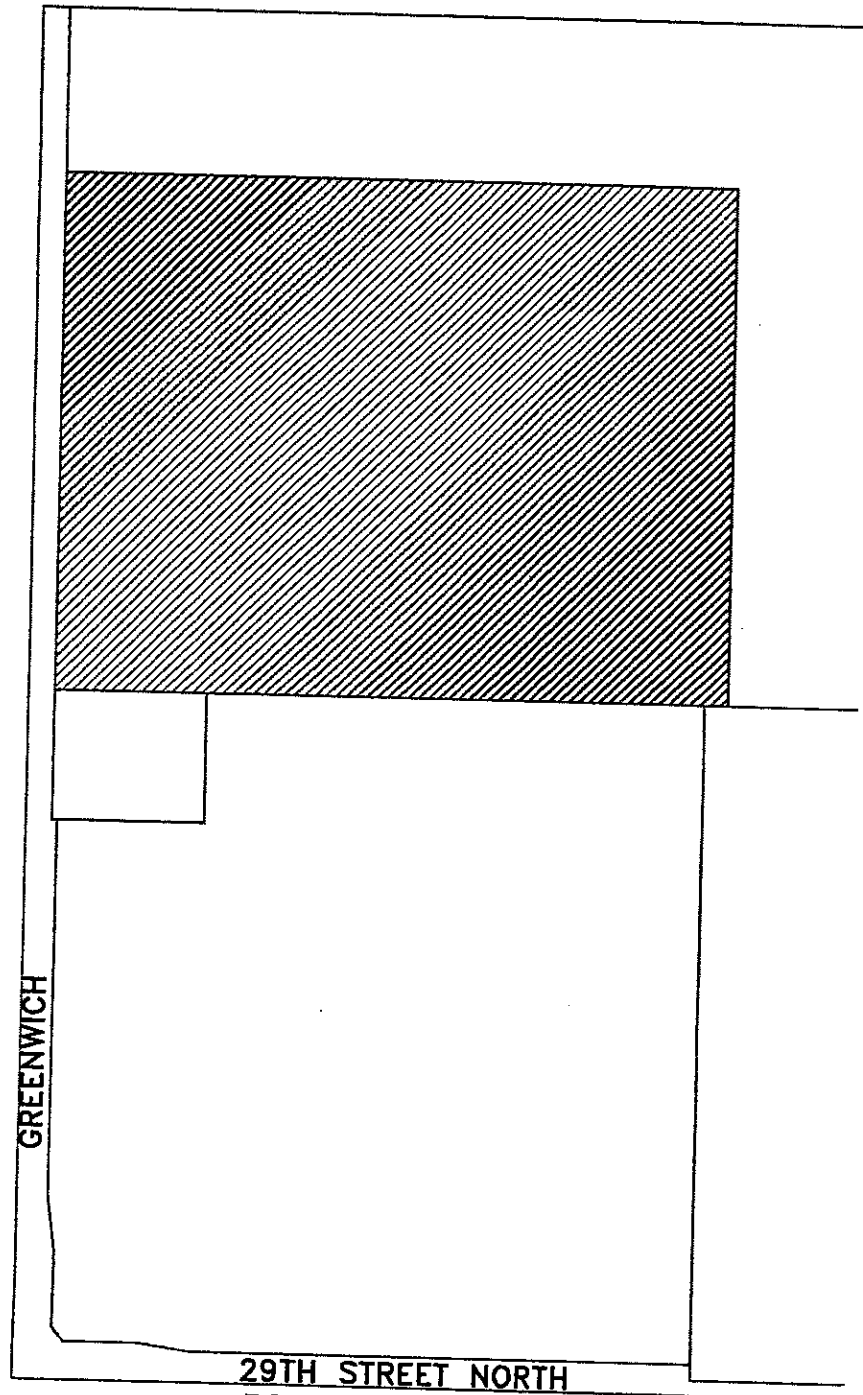
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KAREN SUBLETT, CITY CLERK

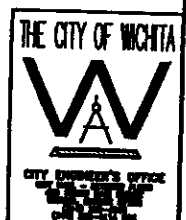
(SEAL)



# UNPLATTED TRACT



BENEFIT DISTRICT  
BENEFIT DISTRICT   
(ACTUAL ALIGNMENT TO BE  
DETERMINED BY DESIGN ENGINEER)



**SANITARY SEWER MAIN PETITION**  
(Outside Corporate Limits)

To the Mayor and City Council  
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

**UNPLATTED TRACT "A"**

The south 1000.00 feet of the west 1366.80 feet of the N1/2 of the SW1/4 of Sec. 34, Twp. 26-S, R-2-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, except the west 60.00 feet thereof.

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- 468-84560  
m29  
WIS
- (a) That there be constructed a sanitary sewer main in Greenwich Road to serve the area described above, (the "Benefit District") as well as additional property, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
  - (b) That the estimated and probable cost of the foregoing improvements being Four Hundred Ninety-Six Thousand Dollars (\$496,000), exclusive of the interest on borrowed money. The Benefit District shall be responsible for paying Sixty-Five Thousand Three Hundred Forty Dollars (\$65,340.00) of the total cost of the foregoing improvements, such amount representing a \$0.05 per square foot sanitary sewer main benefit fee assessment. The remaining cost of the improvements shall be payable from other available funds of the City, including available and unencumbered funds of the Water and Sewer Utility and proceeds of Water and Sewer Utility Revenue Bonds. Said estimated cost as above set forth may be increased at the pro rata rate of 1 percent per month from and after December 1, 2008.
  - (c) That the Benefit District described above shall be constituted as an improvement district against which shall be assessed the actual cost of the improvement for which the Benefit District is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In

addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the Benefit District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: UNPLATTED TRACT 'A' shall pay 100 percent of Sixty-Five Thousand Three Hundred Forty Dollars (\$65,340.00) of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

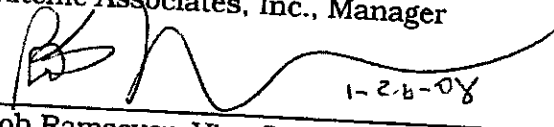
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (a) both a majority of owners of record, and the owners of record of more than half the area liable for assessments outside the corporate limits of the City of Wichita, Kansas, and also (b) either (I) a majority of the resident owners of record or (II) the resident owners of record of more than one-half of the area liable for assessment within the corporate limits of the City of Wichita, Kansas, or (III) the owners of record

(whether resident or not) of more than one-half the area liable for assessment within the corporate limits of the City of Wichita, Kansas.

Petitions for projects which are partially within the corporate limits of Wichita shall be commenced only upon a petition found sufficient by the provisions of K.S.A. 12-6a04, except that for the purpose of determining the sufficiency of the signatures to such petitions, only that area which is outside the corporate limits of Wichita shall be considered to constitute the proposed improvement district.

5. The owners of land covered hereunder outside the corporate limits of Wichita do hereby petition, consent to and request annexation of such lands by The City at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et. Seq.). Until such time as the annexation occurs, the owners covenant and agree they will not seek incorporation as a separate city nor annexation to any other city, land or any part thereof. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>UNPLATTED TRACT 'A'</u>	Greenwich Investments, LLC By: Ritchie Associates, Inc., Manager  By: Rob Ramseyer, Vice-President	1-2-08

Following are easements and dedications for City Council on , 2009

The following deeds and easements have been recorded:

Drainage Easement from North Greenwich Properties, LLC., a Kansas Limited Liability Company dated December 3, 2008 for a tract of land lying in Lot 9, Block 1, Greenwich Village Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

Drainage Easement from North Greenwich Properties, LLC., a Kansas Limited Liability Company dated October 20, 2008 for a tract of land lying in Lot 12, Block 1, Greenwich Village Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

Drainage Easement from Monarch Landing LLC, a Kansas Limited Liability company dated November 19, 2008 for a tract of land lying in Lots 15 and 16, Block 3, Monarch Landing Second Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

Drainage and Utility Easement from Regency Park of Wichita, LLC, a Kansas Limited Liability Company dated November 13, 2008 for a tract of land lying in Lot 1, Block 1, Regency Park Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

The following deeds and easements need to be recorded:

Sanitary Sewer Easement from SHG Resources, LP dated December 18, 2008 for a tracts of land lying in Lot 1, Block 1, Miles Lakewood Living, an Addition to Wichita, Sedgwick County, Kansas and Lot 2, Block E, West Central Gardens Third Addition, Sedgwick County, Kansas (OCA # 744200). No Cost to City

Drainage Easement from Nancy & Charles Mattingly Revocable Trusts dated December 9, 2008 for a tract of land lying in Lot 13, Hinton's Subdivision, Sedgwick County, Kansas (OCA # 766158). No Cost to City

Drainage Easement from JOMA HOLDINGS LLC dated December 9, 2008 for a tract of land lying in Lot 2, Block B, Airport Industrial Addition, Sedgwick County, Kansas (OCA # 766158). No Cost to City

**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council Members

**SUBJECT:** Supplemental Agreement for Bike Path along I-135, Gypsum Creek and George Washington Boulevard, from north of Pawnee to the Kansas Turnpike (District III)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Supplemental Agreement.

**Background:** On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. for designing a bike path along I-135, Gypsum Creek and George Washington Boulevard. The fee was \$61,300. On November 1, 2005, the City Council approved Supplemental No. 1 to reroute the path from Carson to Wassall because of the complications with putting it in KDOT right-of-way. The fee was \$21,800.

**Analysis:** Additional design work is needed for the reconstruction of an existing median at Oliver and George Washington Boulevard to provide safer and ADA compliant street crossings, revised retaining walls and landscaping, and additional work related to right-of-way acquisition. Supplemental Agreement No. 2 has been prepared to authorize the additional design work.

**Financial Considerations:** Payment to Ruggles & Bohm for Supplemental Agreement No. 2 will be made on a lump sum basis of \$11,100, and will be paid by General Obligations Bonds.

**Goal Impact:** This project addresses the Efficient Infrastructure and Quality of Life goals by constructing bike paths.

**Legal Considerations:** The Supplemental Agreement has been approved as to form by the Law Department.

**Recommendation/Action:** It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

**Attachments:** Supplemental Agreement.

SUPPLEMENTAL AGREEMENT NO. 2  
TO THE  
AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004  
BETWEEN  
THE CITY OF WICHITA, KANSAS  
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE  
"CITY"  
AND  
RUGGLES & BOHM, P.A.  
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE  
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements for **BIKE PATH I-135/GYPSUM CREEK CONNECTION (STAFFORD-WASSALL-GEORGE WASHINGTON BLVD.)** (Project No. 472 84009, OCA No. 706885).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

**Additional services provided outside the scope of the existing agreements.**

(see Attachment "A")

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

706921	<b><u>\$11,100.00</u></b>
--------	---------------------------

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

\_\_\_\_\_  
(Name & Title)

ATTEST:

\_\_\_\_\_



## BIKE PATH I-135/GYPSUM CREEK CONNECTION

Preparation of aerial photo and drawing exhibits, and calculation of parcel areas and other information requested condemnation counsel, during the period from September 2006 through December 2007.	\$2,520.00
Stake limits of tracts to be acquired, on two separate occasions, for counsel and appraisers viewing.	\$620.00
Added median modifications at Oliver and GWB, and revised path connection to the east.	\$4,840.00
Revise segmental wall and add profile drawings.	\$880.00
Revise landscape plans to omit irrigation.	\$720.00
Prepare shade structure exhibits for council presentation.	\$600.00
Develop shade structure detail drawings in lieu of artist shop drawings and submittals (Shade structure was not in original approved design).	<u>\$920.00</u>
	\$11,100.00

**CITY OF WICHITA**  
**City Council Meeting**  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** Partial Acquisition of Land at 4659 South Meridian; 47<sup>th</sup> Street – 31<sup>st</sup> Street Road Improvement Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** On July 1, 2008, the City Council approved the improvement of Meridian Street between 47<sup>th</sup> St. South and 31<sup>st</sup> St. South. Meridian will be widened from two-lanes to five-lanes with a center two-way turn lane. Curb to gutter will be constructed and traffic signals will be upgraded in addition to new traffic signals will be installed at the I-235 access ramps. Partial acquisitions from 18 parcels along the corridor are necessary. These parcels consist of vacant land, single-family residences and commercial buildings.

**Analysis:** This particular acquisition is a 20-foot wide strip of land along the west side of Meridian. The property is zoned both residential and limited commercial. No improvements are impacted by the project. The owner has agreed to convey the necessary 4,800 square foot take for the appraised value of \$10,031. That part within the commercially zoned parcel consists of 2,120 square feet. Its appraised value is \$4,833, or \$2.28 per square foot. The remaining 2,680 square feet of land, zoned residential, was valued at \$1,340, or \$0.50 per square foot. An additional \$3,858 was allowed for fencing and is based on actual estimates.

**Financial Considerations:** The funding source for the project is General Obligation Bonds. A budget of \$11,031 is requested. This includes \$10,031 for the acquisition and \$1,000 for closing costs and title insurance.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by improving traffic flow through a major transportation corridor.

**Legal Considerations:** The Law Department has approved the contract as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the necessary signatures.

**Attachments:** Tract map, aerial and real estate purchase agreement.

## REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, Made and entered into this 14 day of January, 2008 by and between Patricia J. Mills, hereinafter referred to as "Seller," whether one or more, and City of Wichita, Kansas, a Municipal Corporation, hereinafter referred to as "Buyer," whether one or more.

**WITNESSETH:** That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a warranty deed for the construction and maintenance of road right-of-way and other infrastructure improvements within, upon and under the following described tract, to wit:

A proposed 20 feet Right-of-Way Acquisition in Wichita, Sedgwick County, Kansas, described as follows:

The West 20 feet of the East 50 feet of the following described tract of land:

Beginning 491.51 feet N00°00'00"W of the SE Corner of the SE Quarter of Section 13, Township 28 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence N00°00'00"W a distance of 240 feet; thence N89°48'00"W a distance of 1270.50 feet; thence S00°00'00"W a distance of 240 feet; thence S89°48'00"E a distance of 1270.50 feet to the point of beginning subject to Road Right of Way of Record.

2. The Buyer hereby agrees to purchase and pay to the Seller as consideration for the conveyance to the Buyer the above described tract and any damages including but not limited to fencing and landscaping, the sum of Ten Thousand Thirty-One Dollars and No/100 (\$10,031.00) in the manner following, to-wit: cash at closing.
3. A complete abstract of title certified to date, or a title insurance company's commitment to insure the above described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required. The Title Evidence shall be sent to Property Management Division for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title. Buyer hereby agrees to obtain said title information at its expense.
4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.
5. It is understood and agreed between the parties hereto that time is of the essence of this contract and that this transaction shall be consummated on or before January 30, 2009.
6. The Seller further agrees to convey the above described easement with all the improvements located thereon except for personal property and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted. Personal property shall be removed within thirty (30) days after closing.

7. Possession to be given to Buyer on or before closing date.

8. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by Seller and 100% by Buyer. Buyer will pay 100% closing costs.

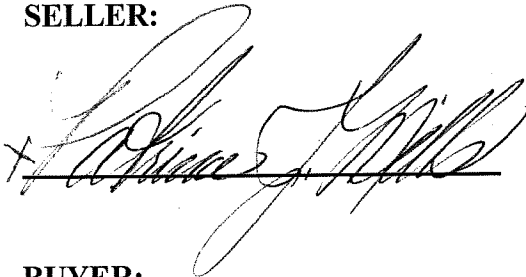
9. Site Assessment

A. At any time prior to the closing of this agreement, the buyer shall have the right to conduct or cause to be conducted an environmental site assessment and/or testing on the Property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the Property, the buyer shall have the right to void this agreement upon notice to the seller, in which event neither party shall be under any further obligation to the other, with the exception that seller shall return to buyer any deposit made hereunder. The buyer or its agents shall have the right, without the obligation, to enter upon the Property prior to closing to undertake an environmental site assessment or testing of the Property, at the buyer's sole expense.

B. Provided, however, buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. The buyer shall, if buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

**WITNESS OUR HANDS AND SEALS** the day and year first above written.

**SELLER:**



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**BUYER:**

By Direction of the City Council

**ATTEST:**

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Carl Brewer, Mayor

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Karen Sublett, City Clerk

**Approved as to Form:**

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Gary E. Rebenstorf, Director of Law

# EXHIBIT

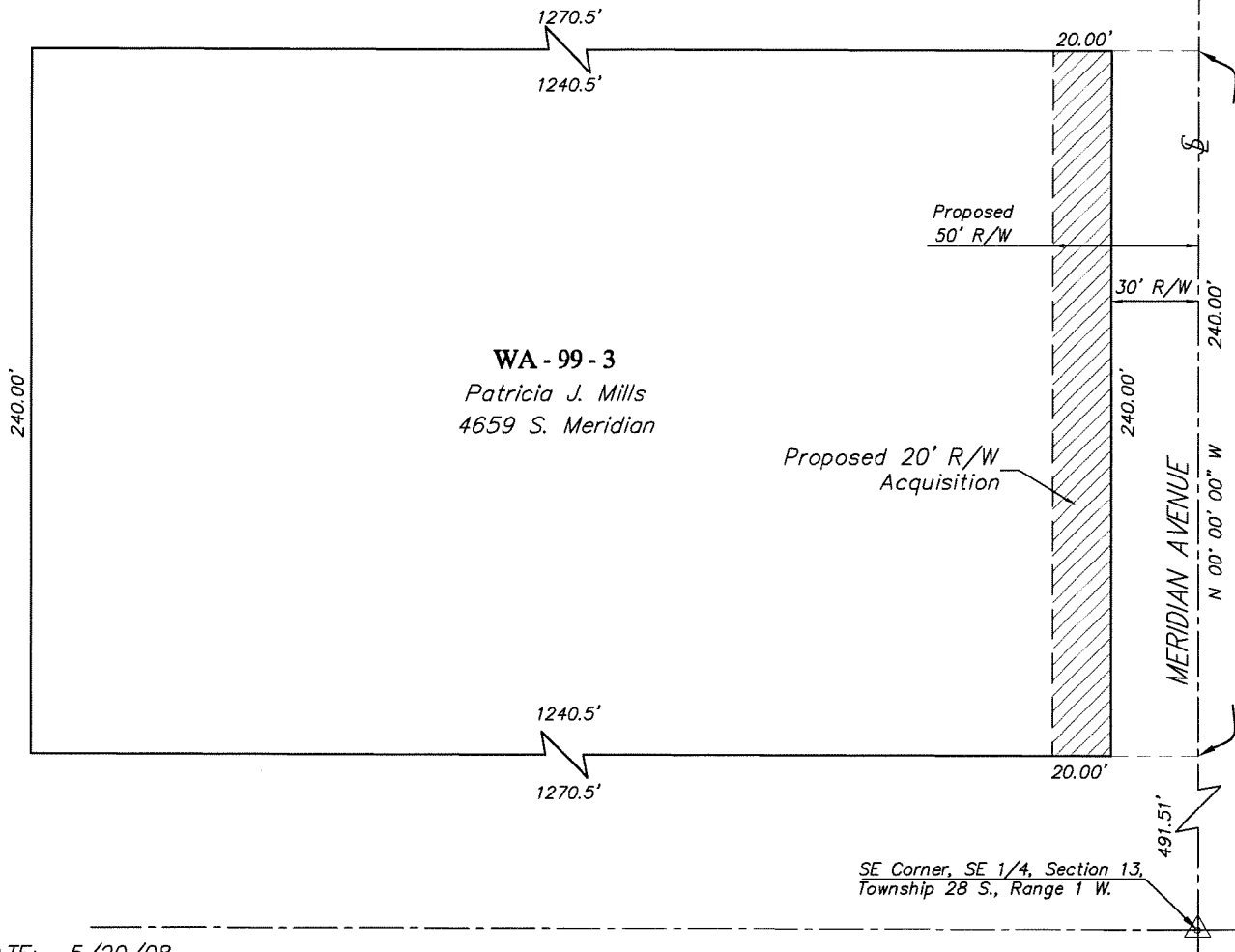
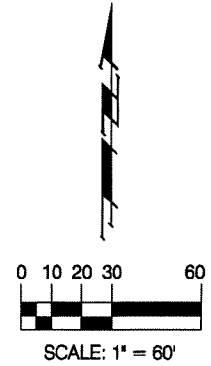
## LEGAL DESCRIPTION:

*A Proposed 20.00 feet Right-of-Way Acquisition in Wichita, Sedgwick County, Kansas, Described as Follows:*

*The West 20.00 feet of the East 50.00 feet of the following described tract of land:*

*Beginning 491.51 feet N 00° 00' 00" W of the SE Corner of the SE Quarter of Section 13, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence N 00° 00' 00" W a distance of 240.00 feet; thence N 89° 48' 00" W a distance of 1270.50 feet; thence S 00° 00' 00" W a distance of 240.00 feet; thence S 89° 48' 00" E a distance of 1270.50 feet to the point of beginning subject to Road Right of Way of Record..*

*Containing 4,800.0 Sq. Ft., more or less.*



DATE: 5/20/08

Project Number 05-10-E397

F:eng/47th South/Exhibits/Mills.dwg

	<b>Baughman Company, P.A.</b>
	315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
<b>Baughman</b>	ENGINEERING   SURVEYING   PLANNING   LANDSCAPE ARCHITECTURE



# 4659 South Meridian



☐ Identified Features

☐ Selected Features

☐ Historic Districts

☐ Old Town Delano Overlay District

NO

YES

Property Parcels

Subdivisions

Roads

State Highway

US Federal Highway

Interstate

KTA

Arterial

Collector

Minor

Ramp

Railroads

Quarter Section

Waterways

Streams

Historic Sites

REGIONAL

STATE/NATIONAL

STATE

Historic Environs

Parks

Airports

SDE RASTER S-

DE DATA. ORTH-

O

City Limits

Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

**WICHITA**  
CITY OF

202

**Senior Management Expenses  
For the Month of November 2008**

<b>Employee by Department</b>	<b>Purpose</b>	<b>Amount</b>
<b>01-City Manager Staff</b>		
Scott Moore, Interim City Manager	NLC Congress of Cities Conference - Orlando, FL	\$ 1,860.64
Cathy Holdeman, Assistant City Manager	KACM Board Conference Planning Mtg - Montreal Canada	1,775.98
<b>08-Police</b>		
Norman Williams, Chief	IACP Conference - San Diego, CA	1,961.57
<b>09-Housing &amp; Community Services</b>		
Brad Snapp, Assistant Director of Housing & Community Services	Kansas NAHRO Fall Conference - Manhattan, KS	443.57
<b>13-Public Works</b>		
Jim Armour, City Engineer	ASCE's 138th Annual Civil Engineering Conf - Pittsburgh, PA	1,812.54
<b>15-Planning</b>		
Nancy Harvieux, Transportation Manager	KAMPO Roundtable - St Joseph, MO	394.39
<b>16-Transit</b>		
Mike Vinson, Director of Transit	KDOT Meeting - Topeka, KS	127.95
<b>Total</b>		<b>\$ 8,376.64</b>

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For the Month of November 2008**

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<b>Total</b>		<b>\$ 8,376.64</b>



**Senior Management Expenses  
For the Month of December 2008**

<b>Employee by Department</b>	<b>Purpose</b>	<b>Amount</b>
<b>01-City Manager Staff</b>		
Scott Moore, Interim City Manager	T-Link Meeting - Topeka, KS	\$ 223.34
<b>07-Fire</b>		
Ron Blackwell, Chief	Labor Management Initiative Conference - Phoenix, AZ	1,406.26
<b>14-Environmental Services</b>		
Kay Johnson, Director of Environmental Services	Kansas Energy & Environmental Policy Mtg - Topeka, KS	141.32
<b>Total</b>		<b>\$ 1,770.92</b>

**City of Wichita  
City Council Meeting  
February 3, 2008**

**TO:** Mayor and City Council  
**SUBJECT:** Banking Services Resolution  
**INITIATED BY:** Department of Finance  
**AGENDA:** Consent

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**Recommendation:** Adopt the resolution.

**Background:** In July 2008, the City Council adopted resolution #08-377 reaffirming the selection of Intrust Bank, N.A. to provide banking services required by the City and updating authorizations for the preparation, execution and delivery of agreements in connection therewith. The term of the original banking services agreement was from June 1, 2003 through May 30, 2004, with options to renew under the same terms and conditions for four (4) successive one (1) year terms by mutual agreement of the parties. The original agreement was amended in May and December 2008 to extend the term of the contract to May 2009 to allow completion of the Request for Proposal process. The resolution specifically gave authority to the City Manager and Director of Finance to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

**Analysis:** The City Council has appointed Robert Layton as City Manager, effective February 2, 2009. A new resolution is required granting authority to Robert Layton and removing the authority of Scott Moore.

**Goal Impact:** This action impacts the Internal Perspective and allows continued banking services and efficient delivery of Treasury services to both internal and external customers.

**Financial Considerations:** There are no costs involved in changing the resolution.

**Legal Considerations:** The resolution has been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the resolution updating authorization and providing Robert Layton and Kelly Carpenter authority to execute banking documents on behalf of the City of Wichita.

**Attachment:** Resolution

## **RESOLUTION NO. 09-030**

### **A RESOLUTION APPROVING THE SELECTION OF INTRUST BANK, N.A., AS A BANKING SERVICES PROVIDER AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of Wichita approved the selection of INTRUST Bank, N.A. as a banking services provider by Resolution 03-002 in January of 2003 and Resolution 03-564 in October of 2003 and Resolution 04-048 in February 2004, Resolution 04-468 in September 2004, Resolution 08-028 in January 2008 and Resolution 08-377 in July 2008,

**WHEREAS**, the City of Wichita has existing agreements for primary banking services with INTRUST Bank, N.A. and ,

**WHEREAS**, INTRUST Bank, N.A. (the "Bank") is qualified to serve as a designated depository of municipal funds and is capable of providing arrangements meeting the City's current needs and requirements;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Approval of Bank Selection.** The governing body approves the selection of the Bank to provide banking services required by the City, including service as a designated depository of municipal funds pursuant to K.S.A. 9-1401, which deposits are to be secured by pledges of acceptable securities, as provided by K.S.A. 9-1402 and K.S.A. 9-1405, all as amended.

**Section 2. Transfer Authority and Execution of Documents.** The City Manager is hereby authorized and directed to agree upon, with representatives of the Bank, and to enter into agreement(s) setting forth, the terms and conditions upon which the Bank, in accordance with the specifications established by the City's Finance Department (and in forms approved by the City Attorney), will receive and maintain deposits and make transfers of the City's funds to or from any account of the City, wherever maintained, or from any account of the City to any firm, person, or bank, when acting upon requests, or orders, and that such terms and conditions may authorize the Bank to act upon requests received by voice communication given in accordance with procedures agreed upon with the Bank in writing and signed by either of the City's officers or agents listed below:

---

Robert Layton, City Manager

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Kelly Carpenter, Director of Finance

Furthermore, the City Clerk or any Deputy City Clerk is hereby authorized and directed to attest to any such agreement(s), for and on behalf of the City.

**Section 3. Delivery of Documents; Further Authority.** The City Manager, City Clerk or other appropriate officers, agents or representatives of the City, are hereby authorized and directed to deliver the above-referenced agreement(s), and to execute and deliver such other documents and certificates as may be approved by the City Attorney as documents necessary and appropriate to carry out the intent of this Resolution.

**Section 4. Certification.** The City Clerk or any Deputy City Clerk is hereby authorized and directed to certify this Resolution to the Bank.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon its passage by the Governing Body of the City.

**ADOPTED** by the governing body of the City of Wichita, Kansas, this 3rd day of February, 2009.

CITY OF WICHITA, KANSAS

By \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council  
**SUBJECT:** Fidelity Bank Resolutions  
**INITIATED BY:** Department of Finance  
**AGENDA:** Consent

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**Recommendations:** Adopt the resolutions and authorize the necessary signatures.

**Background:** The City utilizes Fidelity Bank to process and service Neighborhood Improvement Revolving Loan program transactions. This program provides loan assistance for the purposes of historic preservation, rehabilitation and restoration, as well as rehabilitation of owner-occupied and rental homes.

**Analysis:** Authorized staff has changed requiring update of the authorizing resolutions related to the accounts held with Fidelity bank. The authorizing resolutions delegate individual authority with respect to specific banking transactions to ensure the proper segregation of duties and adequate internal controls.

**Financial Considerations:** Banking fees associated with this program are borne by the loan participants.

**Goal Impact:** This action impacts the Economic Vitality/Affordable Living and Internal Perspectives through the continued services provided by Fidelity Bank and facilitation of transactions related to the Neighborhood Improvement Revolving Loan program.

**Legal Considerations:** The resolutions have been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council adopt the resolutions updating the list of individuals authorized to execute transactions with Fidelity Bank and authorize the necessary signatures.

**Attachments:** Authorizing Resolutions

**RESOLUTION NO. 09-031**

**A RESOLUTION RELATING TO THE SELECTION OF FIDELITY BANK, AS A BANKING SERVICES PROVIDER AND UPDATING AUTHORIZATIONS FOR THE PREPARATION, EXECUTION AND DELIVERY OF NECESSARY AGREEMENTS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of Wichita approved the selection of FIDELITY Bank, N.A. as a banking services provider for Neighborhood Improvement Services; and,

**WHEREAS**, the City of Wichita has existing agreements for Neighborhood Improvement banking services with FIDELITY Bank, N.A.; and,

**WHEREAS**, FIDELITY Bank, N.A. (the "Bank") is qualified to serve as a designated depository of municipal funds and is capable of providing arrangements meeting the City's current needs and requirements;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Approval of Bank Selection.** The governing body reaffirms its selection of the Bank to provide banking services required by the City, including service as a designated depository of municipal funds pursuant to K.S.A. 9-1401, which deposits are to be secured by pledges of acceptable securities, as provided by K.S.A. 9-1402 and K.S.A. 9-1405, all as amended.

**Section 2. Transfer Authority and Execution of Documents.** The City Manager is hereby authorized and directed to agree upon, with representatives of the Bank, and to enter into agreement(s) setting forth, the terms and conditions upon which the Bank, in accordance with the specifications established by the City's Finance Department (and in forms approved by the City Attorney), will receive and maintain deposits and make transfers of the City's funds to or from any account of the City, wherever maintained, or from any account of the City to any firm, person or bank, when acting upon requests, or orders, except and provided that all existing agreements shall be modified as necessary to reflect a change in authorized signatories from those identified in the Prior Resolutions and that such terms and conditions may authorize the Bank to act upon requests received by voice communication given in accordance with procedures agreed upon with the Bank in writing and signed by either of the City's officers or agents listed below:

---

Robert Layton, City Manager

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Signature

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Kelly Carpenter, Director of Finance

---

Signature

Furthermore, the City Clerk or any Deputy City Clerk is hereby authorized and directed to attest to any such writing(s), for and on behalf of the City.

**Section 3. Delivery of Documents; Further Authority.** The City Manager, City Clerk or other appropriate officers, agents or representatives of the City, are hereby authorized and directed to deliver a duplicate original or certified copy of this Resolution, and to execute and deliver such other documents and certificates as may be approved by the City Attorney as documents necessary and appropriate to carry out the intent of this Resolution.

**Section 4. Certification.** The City Clerk or any Deputy City Clerk is hereby authorized and directed to certify this Resolution to the Bank.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon its passage by the Governing Body of the City.

**ADOPTED** by the governing body of the City of Wichita, Kansas, this 3rd day of February, 2009.

CITY OF WICHITA, KANSAS

By \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

## City of Wichita Authorization Resolution

Fidelity Bank  
100 E. English  
Wichita, KS 67202  
Referred to as Financial Institution

By:

City of Wichita  
332 Riverview Street  
Wichita, KS 67203  
Referred to as Municipal Corporation

Account Number

60014463  
60014471  
9060011079

Account Name

Historical Loan Revolving Account  
Direct Loan Revolving Account  
Rental Rehab Program

I, Karen Sublett, certify that I am the City Clerk of the City of Wichita, a Municipal corporation organized under the laws of Kansas, Federal I.D. Number 48-6000653, engaged in business under the trade name of City of Wichita, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Governing Body of the Corporation duly and properly called and held on \_\_\_\_\_.  
These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**Agents** Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

<u>Name and Title</u>	<u>Signature</u>
A. Robert Layton, City Manager	_____
B. Kelly Carpenter, Director of Finance	_____
C. Shawn Henning, City Treasurer	_____
D. Carol F. McMillan, Controller	_____
E. Becky Johnston, Cash Manager	_____

**Powers Granted**

Indicate number of signatures required

A, B	Open any deposit or share account(s) in the name of the Corporation	2
A, B, C	Endorse checks for deposit.	1
A, B	Issue orders for the payment of money or withdraw or externally transfer funds on deposit with this Financial Institution.	2
C, E	Initiate recurring wire transfers to pre-authorized City of Wichita Accounts	1
C, E	Transfer funds internally between the above authorized accounts	1
A & D or B & D.	Jointly issue instructions to establish pre-authorized accounts for wire transfers.	2

**Limitations on Powers** – The following are the Corporation's express limitations on the powers granted under this resolution.

Any account agreements and any other contracts or agreements beyond checks, payment orders or other transfer or withdrawal directions authorized under "Powers Granted" above are subject to approval by the Corporations Governing Body.

This resolution supersedes all prior resolutions.

**Certification of Authority**

I further certify that the Governing Body of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. This Corporation is a non-profit corporation.

In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on \_\_\_\_\_ (date).

\_\_\_\_\_  
Attest by One other Officer

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney



**City of Wichita  
City Council Meeting  
February 3, 2009**

**TO:** Mayor and City Council

**SUBJECT:** Check Collection Services – Vendor Selection

**INITIATED BY:** Department of Finance

**AGENDA:** Consent

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**Recommendation:** Approve the contract.

**Background:** The City's collection of returned checks has been serviced by Kansas Counselors, Inc. (KCI) for the past six years at a flat fee of \$24 per check. The City has received the face amount of the checks, plus a \$6 rebate which comes from the returned check fee of \$30 assessed to the check writer.

**Analysis:** A Request for Proposal for check collection services was sent to 48 vendors. Four (4) vendors responded and the proposals were reviewed and evaluated by a selection committee based on experience, legal claim recovery and returned check collections.

Initially, the selection committee considered and selected two firms, Aegis & Associates and Recheck, Inc., to provide check collection services. Aegis & Associates proposed the use of centralized returns and an electronic collection process whereby the customer's bank account would be charged and electronically debited for the face amount of the returned check and the returned check fee of \$30. Under this proposal, the City would receive the face amount of the check, experience lower returned check fees assessed by the City's banking institution and Aegis would retain the \$30 returned check fee. Their response to the RFP reported a check collection rate of over 90%. In the event Aegis & Associates was not able to collect the returned check through electronic presentment within a specified period of time, the returned checks would then be forwarded to Recheck, Inc. for further efforts using traditional check collection methods.

While negotiating contracts with these two firms, the City was notified by representatives of Aegis & Associates that clearing checks through the use of centralized returns would no longer be effective or recommended as originally proposed due to changes in the banking industry and the manner in which checks are cleared between banks and the Federal Reserve. This change in process eliminated anticipated cost savings on returned check fees, significantly lowered check collection rates and represented a significant departure from their original response to the Request for Proposal, upon which the selection committee's original decision was based.

As a result of these circumstances, the original proposal from Recheck, Inc. was then determined by the selection committee as the best proposal meeting the needs of the City as the single provider for check collection services.

In response to the RFP, Recheck, Inc. offered to collect all returned checks which do not include legal action for \$20 each. The City will receive the face amount of the checks plus a \$10 rebate which comes from the returned check fee of \$30 assessed to the check writer. The fee structure provides an incentive to collect returned checks regardless of amount since the collection agency is equally compensated for each check.

Upon approval by the Law Department, Recheck, Inc. also offered to collect all returned checks requiring legal action by filing suit against the check writer for three (3) times the face value of the check plus court costs and attorney fees following written approval by the City. The City will receive 50% of the amount recovered through legal action. This fee structure allows the City the opportunity to collect one and one half (1½) times the face amount of the returned check, if legal action is successful.

**Goal Impact:** This action impacts the Internal Perspective by minimizing revenue reductions resulting from returned checks.

**Financial Considerations:** The City forwards approximately 975 returned checks annually at an average dollar amount of \$125 per check.

**Legal Considerations:** The term of this Agreement is for one year and is subject to two (2) one-year extensions, if satisfactory to both parties. All legal actions will be reviewed by the Law Department prior to initiating suit. The contract has been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the selection of Recheck, Inc. for collection of returned checks and authorize the Mayor to sign the contract.

**Attachments:** Contract for Check Collection Services

**CONTRACT  
for  
CHECK COLLECTION SERVICES**

**BLANKET PURCHASE ORDER NUMBER BP \_\_\_\_\_**

**THIS CONTRACT** entered into this \_\_\_\_ day of February, 2009, by and between the **CITY OF WICHITA, KANSAS**, a municipal corporation, hereinafter called "**CITY**", and **RECHECK, INC.**, (Vendor Number 089791), 200 West Douglas Avenue, Suite 103, Wichita, Kansas, 67202, Telephone Number (216) 265-8225 hereinafter called "**VENDOR**".

**WITNESSETH:**

**WHEREAS**, the **CITY** has need of a professional organization to assist in the collection of checks (Formal Proposal FP-800013) [Commodity Code 94633] which are owed to **CITY**; and

**WHEREAS**, **VENDOR** has provided **CITY** a proposal for providing such services **CITY** based upon a fixed fee and stands ready, willing and able to provide these services to **CITY**; and

**NOW, THEREFORE, IT IS MUTUALLY AGREED** by and between the parties hereto as follows:

1. **Scope of Services.** **VENDOR** shall provide to the **CITY** all those services, specified in its response to Request for Formal Proposal FP800013, Commodity Code Number 94633, for the Finance Department, Treasury Division as shown below as compensation as per the bid, plans, specifications, addenda and **VENDOR'S** bid proposal of February 13, 2008. This reference is incorporated herein the same as if set forth in full, at such time as these services may be requested by **CITY** subject to the following limitations:

- (a) No compromise will be accepted by **VENDOR** on any check unless written consent is first obtained from the **CITY**.
- (b) **VENDOR** shall discontinue collection services on any check upon request from the **CITY**, and **CITY** shall have the right to recall checks turned to **VENDOR** for collection at any time.
- (c) The parties mutually agree that for checks for which **CITY** receives payment on or after eighteen (18) months of the date that the check is turned over to **VENDOR** for collection, the **CITY** reserves the right to recall these checks without payment to the **VENDOR**, unless there is evidence that the collection was made through the efforts of the **VENDOR**.

2. **VENDOR agrees:**

- (a) To provide the various technical and professional services required to perform the tasks outlined in the Scope of Services.
- (b) To remit to **CITY** a check by the 10th of each month, for those funds that have been collected on behalf of **CITY** pursuant to this Agreement during the previous month. This check shall be in an amount which shall be net of fees.
- (c) The only charge to the **CITY** for the rendering of services under the terms and for the duration of this Agreement shall be the payment of **twenty dollars (\$20.00)** commission (of the initial \$30.00 return check charge) on each check charge collected on the checks which are referred to **VENDOR** within eighteen months of the date that the check is turned over to **VENDOR** for collection pursuant to this Agreement. **VENDOR** shall remit the remaining ten dollars (\$10.00) of each check charge to the **CITY** as a check handling fee.
- (d) To remit to **CITY** 60% of the amount of all bad debt collected on **CITY'S** behalf up to 60% of the placement amount.
- (e) To remit to **CITY** 50% of civil damages awarded during the course of any matter litigated on **CITY'S** behalf.
- (f) To obtain the **CITY'S** written permission to pursue legal action prior to initiating legal proceedings. The **VENDOR** shall use Kahrs Law Office, PA for such approved legal proceedings.
- (g) To pay any filing fees and court costs to obtain judgement in any check case that is pursued to litigation.
- (h) To comply with all federal, state, and local laws, ordinances and regulations applicable to the work described in the Scope of Services, including, but not limited to the Fair Debt Collection Practices Act, 15 USC §1692 *et seq.*, and the **CITY'S** Nondiscrimination and Equal Employment Opportunity Program requirements as set forth in Exhibit A which is attached hereto and adopted by this reference the same as if it were fully set forth.
- (i) To accept compensation for the work herein described in such amount and at such period as herein provided and that such compensation shall be satisfactory and sufficient payment for all work performed pursuant to this Agreement.

- (j) To indemnify, keep and save harmless, the **CITY** and its agents, officials and employees, against all suits, claims, damages and losses, including attorney fees, which may be based upon any injury to persons or property that arises out of negligent act, errors or omissions or violations of law on the part of **VENDOR**, or **VENDOR'S** agents and employees.

3. **CITY agrees:**

- (a) To promptly report all payments to **VENDOR** for checks which have been turned over to **VENDOR** for collection.
- (b) To pay **VENDOR** a commission (of the initial thirty dollars \$30.00 return check charge) at the rate of **twenty dollars (\$20.00)** of each check charge collected on all checks which have been referred to **VENDOR** within eighteen (18) months of the date that the check is turned over to **VENDOR** for collection. **VENDOR** shall include the remainder ten dollars (\$10.00) of each check charge to be given to the **CITY** as a check handling fee.
- (c) To remit payment to **VENDOR** on at least a monthly basis.
- (d) That, according to Kansas Law, stop payment checks are considered bad debt and cannot be charged the \$30.00 returned check fee. **VENDOR** shall each month remit to City 60% of the amount of all bad debt collected on **CITY'S** behalf, up to 60% of the placement amount.
- (e) Not to attempt collection of any Accounts delegated to **VENDOR** for collection. In the event that a payment on an Account in **VENDOR'S** possession is made directly to the **CITY**, **CITY** agrees to notify **VENDOR** of such payment. Should the **CITY** accept payment for any dishonored check given by **CITY** to **VENDOR** for collection, **VENDOR** will assume the return check charge was also collected by **CITY** and will therefore deduct the return check charge from the **VENDOR'S** next remittance or will bill **CITY** at **VENDOR'S** option.

4. **Loss or Destruction of Checks.** In the event of destruction or disappearance of **CITY'S** checks stored at **VENDOR'S** facilities resulting in a loss to the **CITY**, **VENDOR** agrees to reimburse **CITY** for such loss based on **CITY'S** rate of recovery on its Accounts experienced during the previous 120 days. **VENDOR** will bear responsibility for the actual destruction or disappearance of checks stored at the **VENDOR'S** place of business for up to 120 days.

5. **Credit Bureau Reporting.** Thirty days after the receipt of a returned check, if debtor has not paid the full balance of the account or the face value of the check, plus applicable fees, **VENDOR** may elect to post the debt to the debtor's national credit bureau file.

6. **Term:** The term of this Agreement shall be from February \_\_\_, 2009 through February \_\_\_, 2010, provided, however, that either party may terminate this Agreement upon thirty (30) days notice in writing to the other party. This Agreement shall also be subject to two (2) one-year extensions, if satisfactory to both parties. If **CITY** desires to extend this Agreement it shall notify **VENDOR** in writing at least sixty (60) days prior to the end of the current Agreement term. Upon termination of this Agreement, the checks in the hands of **VENDOR** shall be returned to **CITY** and **VENDOR** will receive no further commission on these accounts.

7. **Independent Contractor.** The relationship of the **VENDOR** to the **CITY** will be that of an independent contractor. No employee or agent of the **VENDOR** shall be considered an employee of the **CITY**.

8. **Compliance with Laws.** **VENDOR** shall comply with all laws, statutes and ordinances which may pertain to the providing of services under this contract.

9. **No Assignment.** The services to be provided by the **VENDOR** under this Contract are personal and cannot be assigned, sublet or transferred without the specific written consent of the **CITY**.

10. **Non-Discrimination.** **VENDOR** shall comply with all applicable requirements of the City of Wichita Revised Non-Discrimination and Equal Employment /Affirmative Action Program Requirements Statement for Contracts or Agreements attached hereto as Exhibit A.

11. **Third Party Rights.** It is specifically agreed between the parties that it is not intended by any of the provisions of any part of this Contract to create the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms or provisions of this Contract.

12. **No Arbitration.** The **VENDOR** and the **CITY** shall not be obligated to resolve any claim or dispute related to the Contract by arbitration. Any reference to arbitration in bid or proposal documents is deemed void.

13. **Governing Law.** This Contract shall be interpreted according to the laws of the State of Kansas.

14. **Representative's Authority to Contract.** By signing this contract, the representative of the contractor or vendor represents that he or she is duly authorized by the contractor or vendor to execute this contract, and that the contractor or vendor has agreed to be bound by all its provisions.

**IN WITNESS WHEREOF**, the **CITY** and **VENDOR** have executed this Agreement as of this date first above written.

**ATTEST:**

**CITY OF WICHITA, KANSAS**

\_\_\_\_\_  
Karen Sublett  
City Clerk

\_\_\_\_\_  
Carl Brewer  
Mayor

**APPROVED AS TO FORM:**

**RECHECK, INC.**

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

\_\_\_\_\_  
Mark A. Kahrs  
President

## **EXHIBIT A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;



#### EXHIBIT A (CONTINUED)

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

## EXHIBIT A (CONTINUED)

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
- D. Exempted from these requirements are:
1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
  2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

**CITY OF WICHITA**  
**City Council Meeting**  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** Acquisition by Eminent Domain of Tracts of Land for Water and Sanitary Sewer Lines in the Vicinity of 21st Street North and 135<sup>th</sup> Street West (District V)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

---

**Recommendation:** Adopt and place on first reading the ordinance providing for the acquisition by eminent domain of certain real properties.

**Background:** The Water Utility has plans to provide water and sanitary sewer service to the area north and west of 21st Street North and 135<sup>th</sup> Street West. The project requires the acquisition of easements from several property owners. The project requires 4,001 lineal feet of water line easement (1.84 acres), 2,556 lineal feet of sewer line easement (1.82 acres) and 4.4 acres of temporary easements from the property at 2401 North 135<sup>th</sup> Street West. The property is improved with as single family residence. The utility projects do not directly impact the projects. Approximately 300 feet of the water line easement is located in the front yard of the residence with the remainder of the easements crossing agricultural land.

**Analysis:**

City staff has been attempting to negotiate the purchase of the easements but have been unable to reach an agreement. The owners have rejected all offers to date. Negotiations will continue during the eminent domain process.

**Financial Considerations:** The cost of this acquisition will be paid for by the City at large.

**Goal Impact:** The acquisition of these easements is necessary to ensure efficient infrastructure by providing utilities to a growing area of the City.

**Legal Considerations:** The City is authorized by law to commence eminent domain proceedings to acquire the properties. The Law Department has approved the resolution and ordinance as to form.

**Recommendation/Action:** Adopt the resolution, approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition.

**Attachments:** Tract maps, resolution and ordinance.

Published in the Wichita Eagle on February 6, 2009

RESOLUTION NO. 09-032

A RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING PRIVATE PROPERTY FOR THE USE OF THE CITY OF WICHITA IN THE CONSTRUCTION OF A WATERLINE ALONG 135<sup>TH</sup> STREET WEST AND A SEWER LINE NORTH OF 21<sup>ST</sup> STREET NORTH AND WEST OF 135<sup>TH</sup> STREET WEST SEDGWICK COUNTY, KANSAS.

WHEREAS, the governing body has previously authorized the study and the preliminary design of certain improvements to the water and sanitary sewer systems in the vicinity of 21<sup>st</sup> Street North and 135<sup>th</sup> Street West; and

WHEREAS, such study and preliminary design has identified the need to acquire several parcels of private property in order to properly complete such improvements; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. The governing body hereby declares it to be necessary to acquire certain private property in connection with improvement of the water and sanitary sewer systems in the vicinity of 21<sup>st</sup> Street North and 135<sup>th</sup> Street West.

SECTION 2. The City Engineer is directed to make or cause to be made a survey and description of the lands and/or interests to be acquired and to have such survey and description filed with the City Clerk.

SECTION 3. That this Resolution shall take effect and be in force from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 3rd day of January, 2009.  
CITY OF WICHITA

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

ORDINANCE NO. 48-183

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF A WATERLINE ALONG 135<sup>TH</sup> STREET WEST AND A SEWER LINE NORTH OF 21<sup>ST</sup> STREET NORTH AND WEST OF 135<sup>TH</sup> STREET WEST SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way and easements for improvement of the water and sanitary sewer systems in the vicinity of 21<sup>st</sup> Street North and 135<sup>th</sup> Street West Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A permanent easement for the construction, maintenance and repair of a water line over the following described real property, situated in Sedgwick County, Kansas, to wit:

A tract of land in the north half of the southeast quarter, Section 2, Township 27S, R2W of Sedgwick County, Kansas beginning at a point 1314.29 feet north and 40.00 feet west of the southeast corner of the southeast quarter of Section 2, Township 27S, R2W, Sedgwick County, thence proceeding north along the east property line 1388.40 feet, thence 20 feet west, thence south 1388.40 feet parallel to the east property line, thence east 20 feet to the point of beginning together with a tract of land in the southeast quarter of the northeast quarter, Section 2, Township 27S, R2W of Sedgwick County, Kansas beginning at a point 2632.55 feet north and 40.00 feet west of the southeast corner of the southeast quarter of Section 2, Township 27S, R2W,

Sedgwick County, thence proceeding north along the east property line 1318.34 feet, thence 20 feet west, thence south 1318.34 feet parallel to the east property line, thence east 20 feet to the point of beginning together with a tract of land in the northeast quarter of the northeast quarter, Section 2, Township 27S, R2W of Sedgwick County, Kansas beginning at a point 30 feet south and 40.00 feet west of the northeast corner of the northeast quarter of Section 2, Township 27S, R2W, Sedgwick County, thence proceeding south along the east property line 1294.87 feet, thence 20 feet west, thence north 1294.87 feet parallel to the east property line, thence east 20 feet to the point of beginning.

A permanent easement for the construction, maintenance and repair of a sanitary sewer line over the following described real property, situated in Wichita, Sedgwick County, Kansas, to wit:

A tract of land in the southeast quarter of Section 2, Township 27S, R2W of Sedgwick County, Kansas beginning at the southeast corner of the southeast quarter of said Section 2; thence north along the east line of said southeast quarter a distance of 1,315.46 feet; thence west along the south line of the north half of said southeast quarter a distance of 40.00 feet for a Point of Beginning; thence continuing west along the south line of the north half of said southeast quarter a distance of 50.01 feet; thence north parallel to the east line of said southeast quarter a distance of 50.00 feet; thence west parallel to the south line of the north half of said southeast quarter a distance of 2,506.29 feet, more or less to a point on the west line of said southeast quarter; thence north along the west line of said southeast quarter a distance of 30.01 feet; thence east parallel to the south line of the north half of said southeast quarter a distance of 2,556.04 feet, more or less, to a point 40.00 feet normally distant west of the east line of said southeast quarter; thence south parallel to the east line of said southeast quarter a distance of 80.01 feet to the Point of Beginning.

A temporary construction easement over the following described real property, situated in Sedgwick County, Kansas, to wit:

The north 75.00 feet of the south 155.00 feet of the north half of the southeast quarter of Section 2, Township 27 South, Range 2 West, subject to road right of way of record.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of, \_\_\_\_\_ 2009.

**CITY OF WICHITA**

\_\_\_\_\_  
Carl Brewer, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

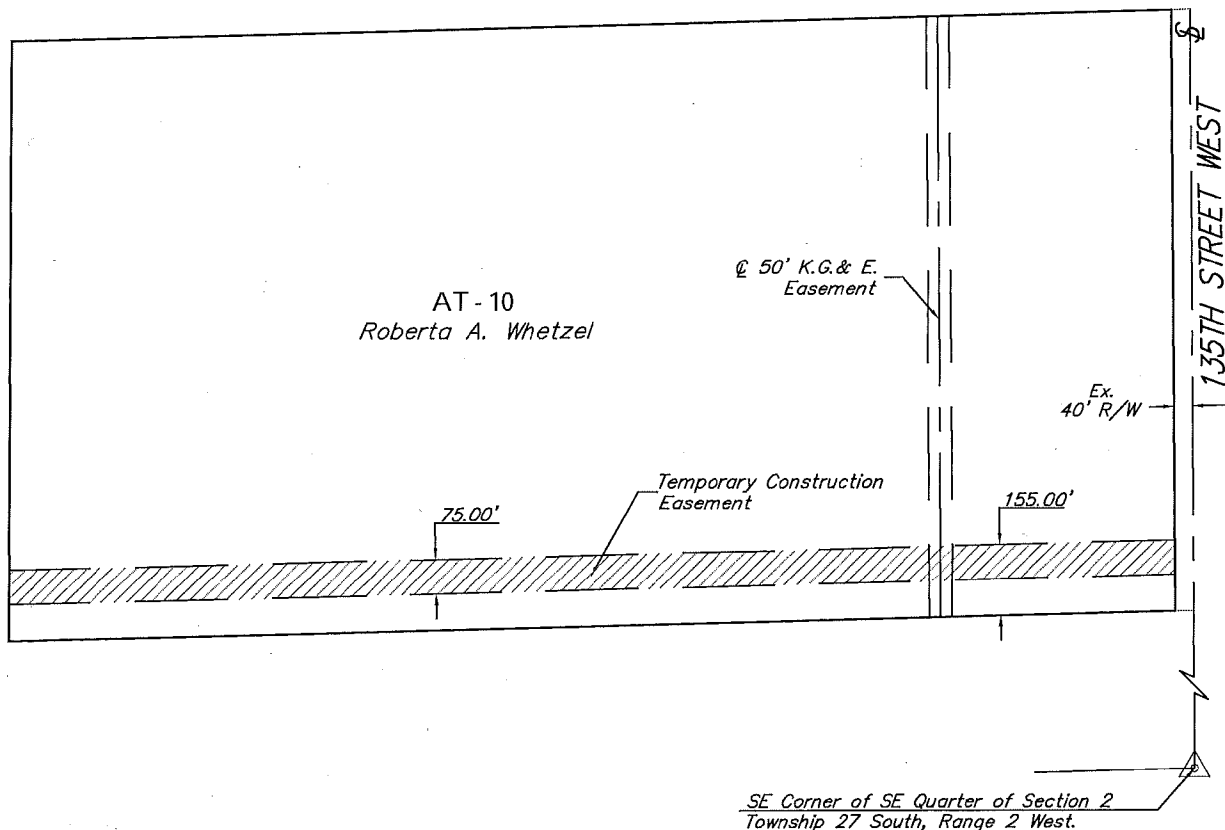
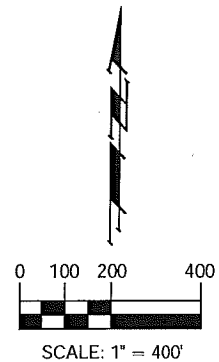
# EXHIBIT

## LEGAL DESCRIPTION:

*A Temporary Construction Easement in Wichita, Sedgwick County, Kansas,  
Described as Follows:*

*The North 75.00 feet of the South 155.00 feet of the North Half of the  
Southeast Quarter of Section 2, Township 27 South, Range 2 West, subject  
to Road Right-of-Way of Record..*

*Containing 191,679.6 Sq. Ft., more or less.*



Project Number 07-10-E951

F:\eng\Via Christi Sewer\Exhibits\Whetzel-Temporary.dwg

DATE: 10/8/08

 <b>Baughman</b>	<b>Baughman Company, P.A.</b>
	315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
ENGINEERING   SURVEYING   PLANNING   LANDSCAPE ARCHITECTURE	



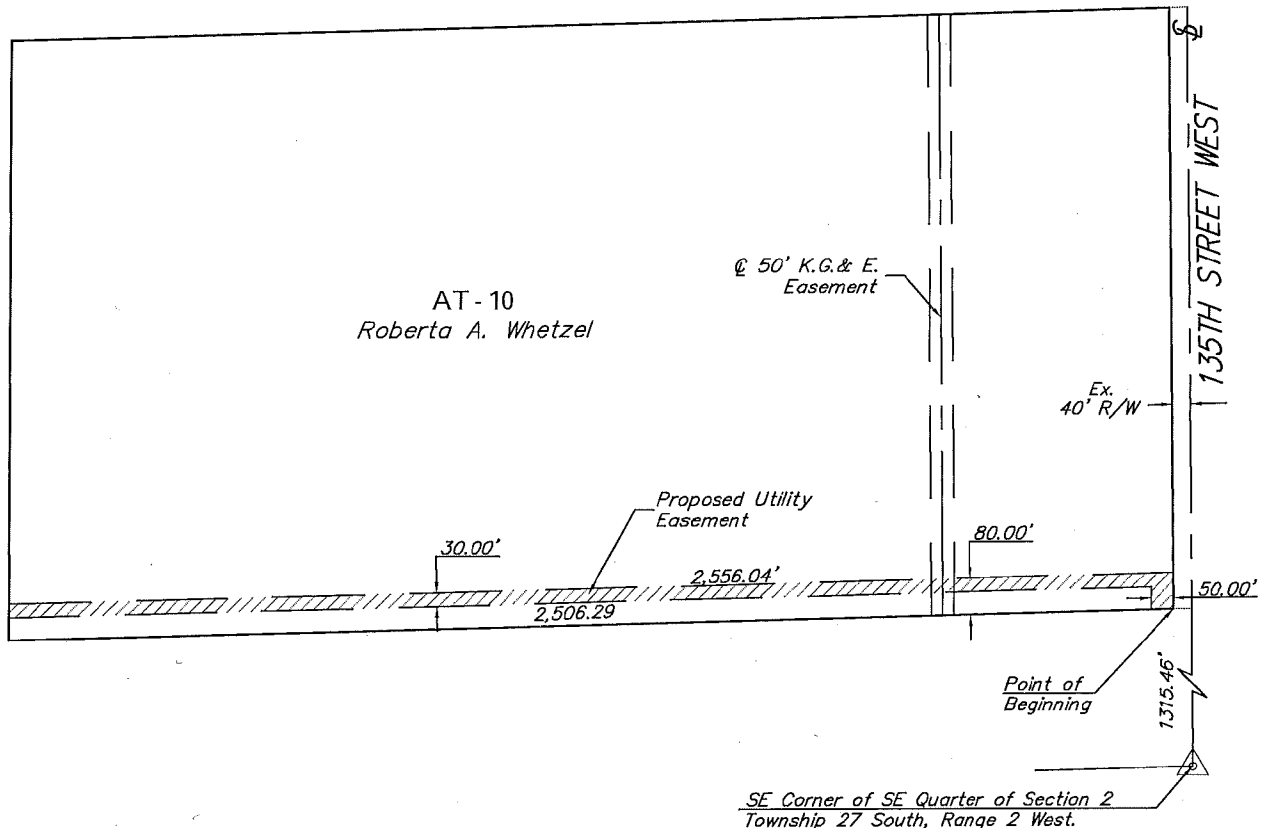
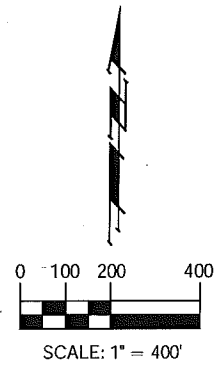
# EXHIBIT

## LEGAL DESCRIPTION:

A Proposed Utility Easement in Wichita, Sedgwick County, Kansas, Described as Follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 2, Township 27 South, Range 2 West; thence north along the east line of said southeast quarter a distance of 1315.46 feet; thence west along the south line of the north half of the said southeast quarter a distance of 40.00 feet for a Point of Beginning; thence continuing west along the south line of the north half of said southeast quarter a distance of 50.01 feet; thence north parallel to the east line of said southeast quarter a distance of 50.00 feet; thence west parallel to the south line of the north half of said southeast quarter a distance of 2,506.29 feet, more or less, to a point on the west line of said southeast quarter; thence north along the west line of said southeast quarter a distance of 30.01 feet; thence east parallel to the south line of the north half of said southeast quarter a distance of 2,556.04 feet, more or less, to a point 40.00' normally distant west of the east line of said southeast quarter; thence south parallel to the east line of said southeast quarter a distance of 80.01 feet to the Point of Beginning.

Containing 79,185.5 Sq. Ft., more or less.



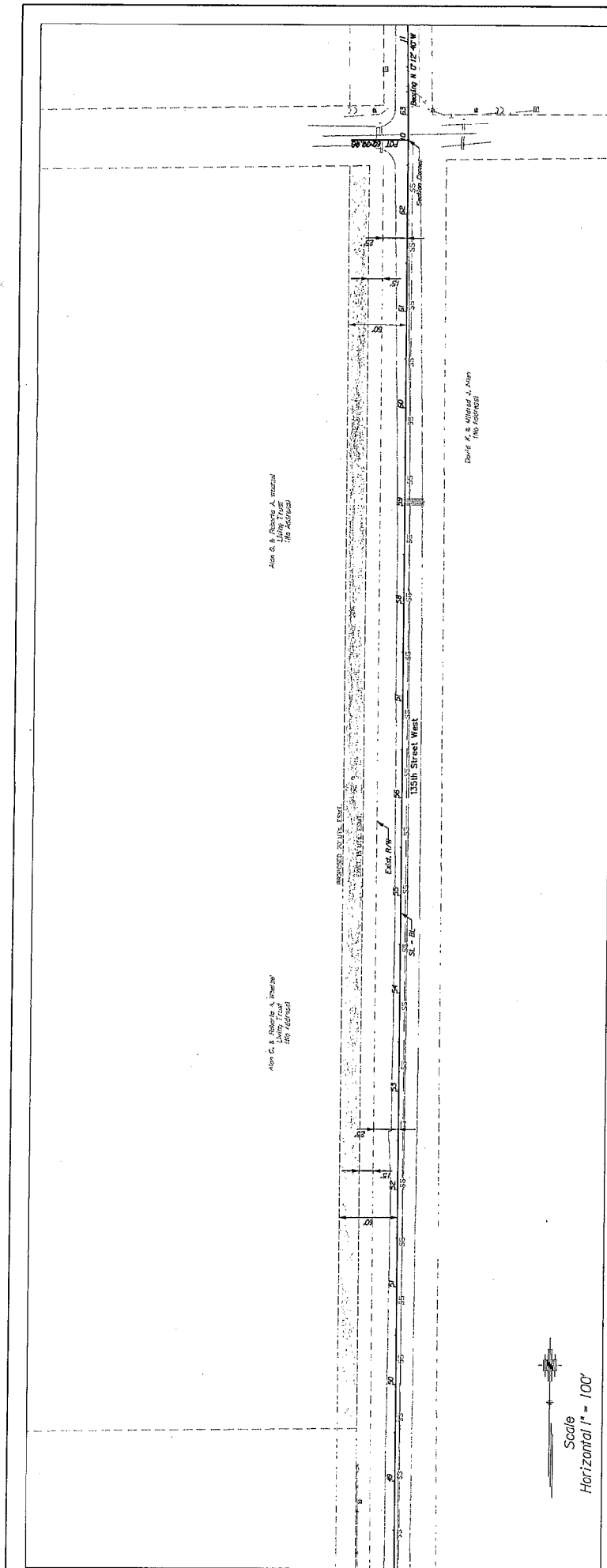
Project Number 07-10-E951

F:\eng\Via Christi Sewer\Exhibits\Whetzel-Permanent.dwg

DATE: 10/8/08

	<b>Baughman Company, P.A.</b>
	315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
ENGINEERING   SURVEYING   PLANNING   LANDSCAPE ARCHITECTURE	





**LEGAL DESCRIPTION:**

Utility Easement for Whetzel Property

A tract of land in the northeast quarter of the northeast quarter, Section 2, T27S, R2W of Sedgwick County, KS. Beginning at a point 30 feet south and 40.00 feet west of the northeast corner of the northeast quarter of Section 2, T27S, R2W, Sedgwick County, thence proceeding south parallel to the east property line 1294.87 feet, thence 20 feet west, thence north 1294.87 feet parallel to the east property line, thence east 20 feet to the point of beginning. Area equals 0.59 acres.

**OWNER:**

Alan G. & Roberta A. Whetzel  
(Living Trust)  
No Address  
Wichita, Kansas

**PROPERTY IDENTIFICATION:**

141020110000100

AT-7

**LEGEND**



Utility Easement Limits = 0.59 acres



245 North Waco, Suite 420  
Wichita, Kansas 67202

135th Street West

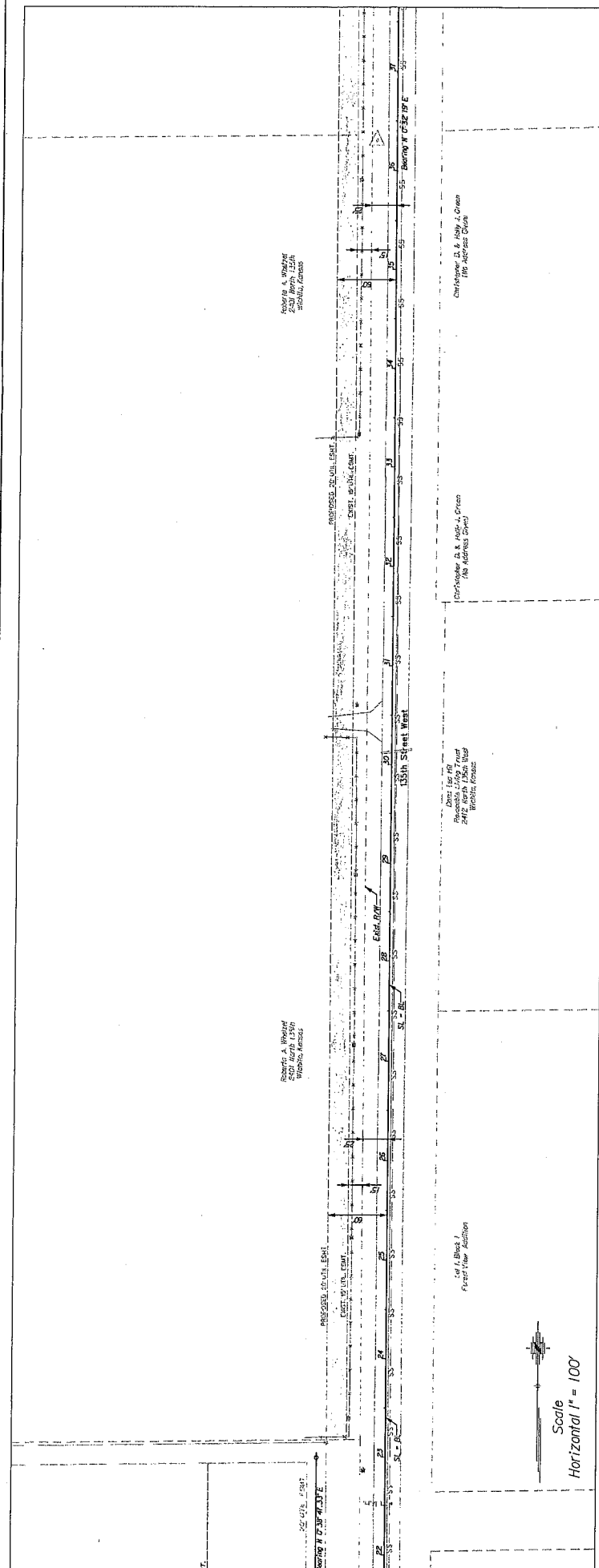
Utility Easement

Sheet 11 of 11

DATE: 2007

468-83971

3 of 11



# LEGAL DESCRIPTION:

Utility Easement for Wheelzel Property

A tract of land in the north half of the southeast quarter, Section 2, Township 27S, Range 2W of Sedgwick County, KS. Beginning at a point 1314.29 feet north and 40.00 feet west of the southeast corner of the southeast quarter of Section 2, Township 27S, Range 2W, Sedgwick County, thence proceeding north parallel to the east property line 1388.40 feet, thence 20 feet west, thence south 1388.40 feet of beginning. Area equals 0.64 acres.

## OWNER:


Roberta A. Wheelzel  
2401 North 135th  
Wichita, Kansas

## PROPERTY IDENTIFICATION:

141020410000100

AT-10

## LEGEND

 Utility Easement Limits - 0.64 acres

**TRANS SYSTEMS CORPORATION**  
Utility Easement

245 North Waco, Suite 420  
Wichita, Kansas 67202

DATE: JUNE 2007  
PROJECT: 468-83971  
SHEET: 1 of 11

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council

**SUBJECT:** Consent to Sale and Title Transfer (Olde English Manor Apartments)  
(District I)

**INITIATED BY:** Office of Urban Development

**AGENDA:** Consent

---

**Recommendation:** Approve the Resolution.

**Background:** On November 17, 1998, City Council approved issuance of Multi-Family Housing Revenue Bonds in the amount of \$8.56 million to the Piedmont Foundation, Inc. (“Piedmont”) to finance the acquisition and rehabilitation of the Olde English Manor Apartments, a multi-family housing project for low and moderate income tenants, located at 2323 North Woodlawn in northeast Wichita. The Bonds have been in a state of default for several years and the property is now being sold through foreclosure. The City has been requested to approve the sale and title transfer of the apartments to the purchaser.

**Analysis:** Piedmont has failed to make payments as required and the property has been declared in default. The apartments are being purchased out of default by Montford LP, LLC, a Texas limited liability company. Proceeds from the sale will be applied to fees and expenses and to the payment of the outstanding Bonds; the bondholders have agreed to surrender the bonds to the Trustee for cancellation. The City currently retains title on the property; the title will be transferred to Montford LP.

**Financial Considerations:** There is no fiscal impact to the City resulting from its consent to the sale of Olde English Manor Apartments.

**Goal Impact:** Economic Vitality and Affordable Living. Support of multi-family facilities available to low and middle-incomes assures the availability of affordable housing.

**Legal Considerations:** The City Attorney’s Office has approved the Resolution and Exhibits as to form. Any further documents that may be required will be approved as to form before execution. The City’s bond counsel, Kutak Rock, will provide an opinion that the sale of the project will not adversely impact the tax-exempt status of the 1998 bonds.

**Recommendations/Actions:** It is recommended that the City Council approve the Resolution consenting to the sale and transfer of title of the Olde English Manor Apartments and authorize the necessary signatures.

**Attachments:** Resolution

### **RESOLUTION NO. 09-033**

#### **A RESOLUTION AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY BY THE CITY OF WICHITA, KANSAS TO MONTFORD LP, LLC, AND RELEASE OF A CERTAIN REGULATORY AGREEMENT.**

**WHEREAS**, pursuant to Ordinance No. 44-094 and the Trust Indenture (the "Indenture") dated as of November 1, 1998 between the City of Wichita, Kansas (the "City") and US Bank National Association, as successor trustee to The Bank of New York (the "Trustee"), the City has previously issued its Multifamily Housing Revenue Bonds, Series XII-A, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$7,276,000 and its Subordinated Multifamily Housing Revenue Bonds, Series XII-B, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$1,274,000 (collectively, the "Bonds") to finance the cost of acquiring and rehabilitating a certain multifamily housing facility (the "Project"); and

**WHEREAS**, the Project is leased to Piedmont-Olde English Manor, LLC, a Delaware limited liability company (the "Tenant"), pursuant to a Lease dated as of November 1, 1998 between the City and the Tenant (the "Lease"); and

**WHEREAS**, the Tenant has failed to make rent payments at the times and in the amounts required by the Lease, which constitutes an Event of Default as such term is defined in the Lease; and

**WHEREAS**, an Event of Default under the Lease also constitutes an Event of Default under the Indenture and pursuant to the provisions of Section 901(a) of the Indenture, the Trustee has declared the principal of all outstanding Bonds and the interest accrued thereon immediately due and payable; and

**WHEREAS**, the Trustee, in accordance with the provisions of Section 20.2 of the Lease, has declared the aggregate amount of all unpaid Basic Rent and Additional Rent (as such terms are defined in the Lease) to be immediately due and payable and has provided notice to the Tenant of its intent to terminate the Lease; and

**WHEREAS**, Montford LP, LLC, a Texas limited liability company (the "Purchaser") has agreed to purchase the Project; and

**WHEREAS**, net proceeds from the sale of the Project to the Purchaser will be applied to certain fees and expenses and to the payment of the principal of and interest on the outstanding Bonds, all as set forth in Section 905 of the Indenture, and in consideration of such payments, the Holders of the Bonds have agreed to surrender the Bonds to the Trustee for cancellation; and

**WHEREAS**, in connection with the termination of the Lease and sale of the Project by the Trustee to the Purchaser, the Regulatory Agreement dated as of November 1, 1998 among the City, the Trustee and the Tenant (the "Regulatory Agreement") shall be released.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1.** The Mayor and City Clerk are authorized and directed to execute and deliver a special warranty deed substantially in the form set forth on *Exhibit A* and a bill of sale substantially in the form set forth in *Exhibit B* attached hereto, transferring title to the Project to the Purchaser. Such deed and bill of sale shall be delivered to the Trustee for delivery to the Purchaser upon deposit with the Trustee of the net proceeds from the sale of the Project. The Mayor and City Clerk are hereby further authorized and directed to execute a Release of Lease substantially in the form attached hereto as *Exhibit C* and a Release of Regulatory Agreement substantially in the form attached hereto as *Exhibit D*, and deliver same to the Trustee for delivery with the deed and bill of sale.

**Section 2.** The Mayor and City Clerk are authorized and directed to execute and deliver an Amended and Restated Agreement of Sale and Purchase of Improved Real Estate among the Purchaser, the Tenant, the Trustee and the City, in substantially the form presented to the governing body this date.

**Section 3.** The Mayor and City Clerk are hereby further authorized and directed to sign such other instruments and certificates as shall be necessary and desirable in connection with this Resolution, and are hereby further authorized to take such further actions as may be necessary to accomplish the purposes of this Resolution.

**Section 4.** The Trustee is hereby directed to take all action necessary to accomplish the purpose of this Resolution.

**ADOPTED** by the governing body of the City of Wichita, Kansas this 3rd day of February, 2009.

**CITY OF WICHITA**

By: \_\_\_\_\_  
Carl Brewer, Mayor

[SEAL]

Attest:

By: \_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary Rebenstorf  
City Attorney

**EXHIBIT A**

**PECIAL WARRANTY DEED**

**THIS INDENTURE**, made February \_\_, 2009 between the City of Wichita, Kansas, a municipal corporation, as Grantor, and Montford LP, LLC, a Texas limited liability company, as Grantee;

**WITNESSETH**, that said Grantor, as authorized by a Resolution duly adopted by the governing body of the City of Wichita, Kansas and by these presents does hereby convey to Grantee, its successors and assigns, all of the said Grantor's interest in the following described real estate in Sedgwick County, Kansas:

Lots 26, 27 and 28, Block 2, 3<sup>rd</sup> Addition to Crestview Heights together with Lot 1, Block 1, Olde English Manor Addition, all in Sedgwick County, Kansas

for the sum of \$10.00 and other valuable consideration;

**TO HAVE AND TO HOLD**, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining, to Grantee and to its successors and assigns forever; and Grantor hereby covenants that such interest is free and clear of all encumbrances whatsoever, except (a) those to which the title was subject on the date of conveyance to Grantor, or to which title became subject with the written consent of Piedmont-Olde English Manor, LLC (the "Tenant"), as tenant under a Lease dated as of November 1, 1998 (the "Lease"), or which resulted from any failure of Tenant to perform any of its covenants or obligations under such Lease from Grantor, (b) taxes and assessments, general and special, if any, (c) the rights, titles and interests of any party having condemned or attempting to condemn title to, or the use for a limited period of, all or any part of the premises conveyed, and (d) the restriction that no existing building nor any building which is constructed or placed upon the property, either temporarily or permanently, shall be used for housing any multi-game, casino-style gambling operation on the premises; and that it will warrant and defend the same to Grantee and Grantee's successors and assigns forever against the lawful claims and demands of anyone claiming by, through or under Grantee.

**IN WITNESS WHEREOF**, Grantor has executed this deed and affixed its corporate seal on the day and year first above written.

[SEAL]

ATTEST:

**CITY OF WICHITA, KANSAS**  
a municipal corporation

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor



STATE OF KANSAS                                 )  
  ) SS:  
COUNTY OF SEDGWICK                         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2009 by Carl Brewer, Mayor, and Karen Sublett, City Clerk, respectively, of the City of Wichita, Kansas, a municipal corporation, on behalf of said corporation.

[SEAL]

\_\_\_\_\_  
Notary Public

My appointment expires: \_\_\_\_\_

**EXHIBIT B**

**BILL OF SALE**

In furtherance of the terms of a certain Lease dated as of November 1, 1998 between the City of Wichita, Kansas (the "City") and Piedmont-Olde English Manor, LLC, and for valuable consideration, the City hereby transfers, assigns and conveys to Montford LP, LLC, its interest in the personal property purchased with the proceeds of the City of Wichita, Kansas Multifamily Housing Revenue Bonds, Series XII-A, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$7,276,000 and its Subordinated Multifamily Housing Revenue Bonds, Series XII-B, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$1,274,000.

[SEAL]

ATTEST:

**CITY OF WICHITA, KANSAS**  
a municipal corporation

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF SEDGWICK            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2009 by Carl Brewer, Mayor, and Karen Sublett, City Clerk, respectively of the City of Wichita, Kansas, a municipal corporation, on behalf of said corporation.

[SEAL]

\_\_\_\_\_  
Notary Public

My appointment expires:

\_\_\_\_\_

## **EXHIBIT C**

### **RELEASE OF LEASE**

**WHEREAS**, the City of Wichita, Kansas (the "City") has heretofore entered into a Lease dated as of November 1, 1998 (the "Lease") between the City and Piedmont-Old English Manor, LLC (the "Tenant"), notice of which is recorded on Film 1866 at Page 0437 in the office of the Sedgwick County Register of Deeds; and

**WHEREAS**, the City assigned its interest in the Lease to US Bank National Association, as successor trustee to The Bank of New York, acting as trustee for the City and others for purpose of enforcement of the Tenant's covenants under the Lease; and

**WHEREAS**, the Tenant has defaulted in its obligations under the Lease; and

**WHEREAS**, in accordance with the provisions of the Lease, the Trustee has terminated the Tenant's rights to possession of the facility described in the Lease (the "Project"); and

**WHEREAS**, the Project has been sold and the proceeds of such sale shall be used to satisfy the Tenant's obligations under the Lease.

**THEREFORE**, the property described in the attached *Schedule I* is hereby released from any further claim of the City and the Trustee under the Lease.

*[remainder of this page left blank intentionally]*

[SEAL]

ATTEST:

**CITY OF WICHITA, KANSAS**  
a municipal corporation

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

**ACKNOWLEDGMENT**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF SEDGWICK            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2009, by Carl Brewer, Mayor, and Karen Sublett, City Clerk, respectively of the City of Wichita, a municipal corporation, on behalf of said corporation.

[SEAL]

By: \_\_\_\_\_  
Notary Public

My appointment expires:\_\_\_\_\_

US BANK NATIONAL ASSOCIATION  
as Trustee

[SEAL]

By: \_\_\_\_\_  
Name: Theresa Cramer  
Title:

STATE OF MINNESOTA       )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me this \_\_\_\_ day of February, 2009 by Theresa Cramer,  
as [\_\_\_\_\_] of US Bank National Association, St. Paul, Minnesota, a national banking association or  
corporation.

[SEAL]

\_\_\_\_\_  
Notary Public

My appointment expires: \_\_\_\_\_

## ***SCHEDULE I***

### **PROPERTY SUBJECT TO LEASE**

(a) The following described real estate located in Sedgwick County, Kansas, to wit:

Lots 26, 27 and 28, Block 2, 3<sup>rd</sup> Addition to Crestview Heights together with Lot 1, Block 1, Olde English Manor Addition, all in Sedgwick County, Kansas

said real property constituting the "Land" as referred to in said Lease.

(b) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed with proceeds of the Bonds, including but not limited to the following.

The multifamily residential rental apartment project known as Olde English Manor Apartments.

The property described in paragraphs (a) and (b) of this Schedule I constitute the "Project" as referred to in the Lease Agreement.

## **EXHIBIT D**

### **RELEASE OF REGULATORY AGREEMENT**

**WHEREAS**, the City of Wichita, Kansas (the "Issuer") and US Bank National Association, successor trustee to The Bank of New York (the "Trustee") have heretofore entered into a Regulatory Agreement dated as of November 1, 1998 (the "Agreement") with Piedmont-Olde English Manor, LLC, a Delaware limited liability company (the "Tenant"), which Agreement was entered into in connection with the issuance by the Issuer of its Multifamily Housing Revenue Bonds, Series XII-A, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$7,276,000 and its Subordinated Multifamily Housing Revenue Bonds, Series XII-B, 1998 (Olde English Manor Apartments Project) in the aggregate principal amount of \$1,274,000 (collectively referred to herein as the "Bonds"); and

**WHEREAS**, the Agreement is recorded in Film 1855 at page 0444 in the office of the Sedgwick County Register of Deeds; and

**WHEREAS**, the Bonds were issued and secured pursuant to a Trust Indenture dated as of November 1, 1998 (the "Indenture") between the Issuer and the Trustee; and

**WHEREAS**, the proceeds of the Bonds were used to finance the acquisition and rehabilitation of an existing multifamily housing facility located at 2323 North Woodlawn in the City of Wichita, Kansas (the "Project"), which Project was leased to the Tenant pursuant to a Lease Agreement dated as of November 1, 1998 (the "Lease") between the Issuer and the Tenant; and

**WHEREAS**, the Tenant has defaulted in its obligations under the Lease; and

**WHEREAS**, pursuant to the provisions of Section 901(a) of the Indenture, the Trustee has declared the principal of all outstanding Bonds and the interest accrued thereon immediately due and payable; and

**WHEREAS**, in accordance with the provisions of the Lease, the Trustee has terminated the Lease and the Tenant's rights to possession of the Project; and

**WHEREAS**, the Trustee, on behalf of the City, has sold the Project to Montford LP, LLC, a Texas limited liability company unrelated to the Tenant, and the Tenant no longer has any ownership interest for federal tax purposes in the Project; and

**WHEREAS**, net proceeds from the sale of the Project to the Purchaser have been applied to payment of certain fees and expenses and to the payment of the principal of and interest on the outstanding Bonds, all as set forth in Section 905 of the Indenture; and

**WHEREAS**, in consideration for the receipt of such payments of principal of and interest on the Bonds, all outstanding Bonds have been surrendered by the Holders thereof to the Trustee for cancellation.

**THEREFORE**, the Agreement is released and the terms and provisions of the Agreement shall cease to apply to the property described in the attached Schedule I so long as the Tenant or a Related Person (as such term is defined in the Agreement) has no ownership interest in the Project.

*[remainder of this page left blank intentionally]*



**IN WITNESS WHEREOF**, each of the parties hereto have caused this Release of Regulatory Agreement to be executed by its duly authorized officer.

**PIEDMONT-OLDE ENGLISH MANOR, LLC**

By: The Piedmont Foundation, Inc.,  
its sole member

By: \_\_\_\_\_

Name: Walter McGill

Title: President

**ACKNOWLEDGMENT**

STATE OF GEORGIA            )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me this \_\_\_\_day of February, 2009, by Walter McGill, President of The Piedmont Foundation, Inc., a Georgia Corporation.

(Notary Seal)

By: \_\_\_\_\_  
Notary Public

Appointment Expires: \_\_\_\_\_

[SEAL]

ATTEST:

**CITY OF WICHITA, KANSAS**  
a municipal corporation

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

**ACKNOWLEDGMENT**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF SEDGWICK        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2009, by Carl Brewer, Mayor, and Karen Sublett, City Clerk, respectively of the City of Wichita, a municipal corporation, on behalf of said corporation.

[SEAL]

By: \_\_\_\_\_  
Notary Public

My appointment expires:\_\_\_\_\_

US BANK NATIONAL ASSOCIATION  
as Trustee

[SEAL]

By: \_\_\_\_\_  
Name: Theresa Cramer  
Title:

STATE OF MINNESOTA       )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me this \_\_\_\_ day of February, 2009 by Theresa Cramer,  
as [\_\_\_\_\_] of U.S. Bank National Association, St. Paul, Minnesota, a national banking  
association or corporation.

[SEAL]

By: \_\_\_\_\_  
Notary Public

My appointment expires: \_\_\_\_\_

***SCHEDULE I***

The following described real estate located in Sedgwick County, Kansas, to wit:

Lots 26, 27 and 28, Block 2, 3<sup>rd</sup> Addition to Crestview Heights together with Lot 1, Block 1, Olde English Manor Addition, all in Sedgwick County, Kansas.

City of Wichita  
City Council Meeting  
February 3, 2009

**TO:** Mayor and City Council Members

**SUBJECT:** Rounds and Porter Building – Roof Replacement  
(All Districts)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Adopt the Resolution.

**Background:** The City-owned Rounds and Porter Building, located adjacent to City Hall, is structurally sound, relatively low maintenance and, with its 3-stories of total concrete construction, has the potential for many years of continued use. Floors 1 and 2 of the south 1/3 of the building are currently occupied by the Property and Evidence Division of the Wichita Police Department. The north 2/3 of the 1<sup>st</sup> Floor is used for storage. The remainder of the building is largely vacant.

**Analysis:** The roof of the Rounds and Porter Building is divided into three approximately equal parts by fire walls that extend above the roof surface. While the entire roof is seriously deteriorated, the need for replacement is most critical over the south 1/3 due to the space below being occupied by Property and Evidence.

Green vegetated roofs are relatively common in areas of Europe and they are becoming increasingly common in some areas of the United States. Although there are now examples in the Kansas City area, green roofs are still quite rare in the Midwest. It has been proposed that the City take the lead in creating a green roof demonstration project both to increase the City's knowledge and experience in this area and to educate others in the benefits of environmentally conscious design. Whether or not a green roof can be considered for this newly roofed area will depend on separate funding, which may be considered at some future date, and on whether or not the bid alternate can be accepted with the re-roof project to extend the parapet heights as would be required for a future green roof project.

**Financial Considerations:** Funding for the Resolution is budgeted in the 2008 Capital Improvement Program (CIP) at \$300,000. The Resolution is for an estimated \$275,352.00 for construction, and \$24,648.00 for miscellaneous design/administrative services.

**Goal Impact:** Efficient Infrastructure

**Legal Considerations:** The Law Department has approved the Resolution as to form.

**Recommendation/Action:** It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

**Attachment:** CIP Authorization, Resolution.

Published in the Wichita Eagle on January 6, 2009

RESOLUTION NO. 09-034

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; SETTING FORTH THE GENERAL NATURE AND THE ESTIMATED COST OF SUCH IMPROVEMENTS; AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS, TO PAY ALL OR A PORTION OF THE COST THEREOF.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. That the City of Wichita finds it necessary to design and construct certain improvements as follows:

Design and construction of a green roof project on the southern 1/3 of the Rounds and Porter Building located adjacent to City Hall.

SECTION 2. That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds of the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost of said improvements is estimated not to exceed \$300,000, exclusive of the cost of interest on borrowed money.

SECTION 3. That the advisability of said improvements is established as authorized by K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156.

SECTION 4. That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary Rebenstorf  
Director of Law

# CAPITAL IMPROVEMENT

## PROJECT AUTHORIZATION

### CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

X
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1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department PUBLIC WORKS	2. Initiating Division BUILDING SERVICES	3. Date 1/14/2009	4. Project Description & Location <del>ROOF</del> ROOF - ROUNDS AND PORTER BUILDING 410 NORTH WACO
5. CIP Project Number PB-	6. Accounting Number PROJ. # 435447 OCA # 792525	7. CIP Project Date (Year) 2005 - 2014	8. Approved by WCC NO
9. Estimated Start Date 2009	10. Estimated Completion Date 2009	11. Project Revised	

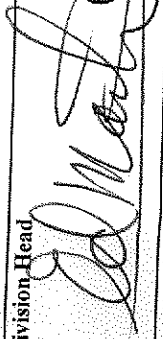
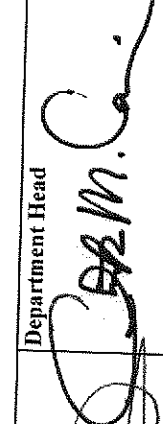
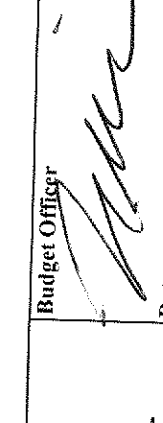
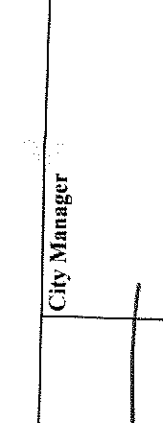
12. Project Cost Estimate				12A.	
ITEM	GO	SA	OTHER	TOTAL	
CONSTRUCTION	275,352.00			275,352.00	Yes
Paving, grading & const.					
Bridge & Culverts					
Drainage					
Sanitary Sewer					
Sidewalk					
Water					
Other DESIGN	24,648.00			24,648.00	
Totals	300,000.00			300,000.00	
Total CIP Amount Budgeted	300,000.00			300,000.00	
Total Prelim. Estimate					

Platting Required		Yes		No	
Lot Split					
Petition					
Ordered by WCC		X			

Remarks:

THE ROUNDS AND PORTER ROOF IS IN DIER NEED OF REPAIR OR REPLACEMENT. THE SOUTHERN 1/3 OF THE BUILDING, NOW OCCUPIED BY WPD PROPERTY AND EVIDENCE.

13. Recommendation: APPROVE THE PROJECT, THE RESOLUTION AND AUTHORIZE STAFF TO BEGIN DESIGN PROCEDURES.

Division Head 	Department Head 	Budget Officer 	City Manager 
			Date

# CITY OF WICHITA

## 2005-2014 CAPITAL IMPROVEMENT PROGRAM

**PROJECT CATEGORY:** Public Buildings/Miscellaneous

**DISTRICT:** ALL **NO.:** PB

**TITLE:** Rounds and Porter Green Roof

**THROUGH**  
2004

**TYPE** **AMOUNT** **SOURCE**

**DESCRIPTION:**

Design and construction of a Green Roof on the existing Rounds and Porter Building, located at 410 N. Waco.

**JUSTIFICATION:**

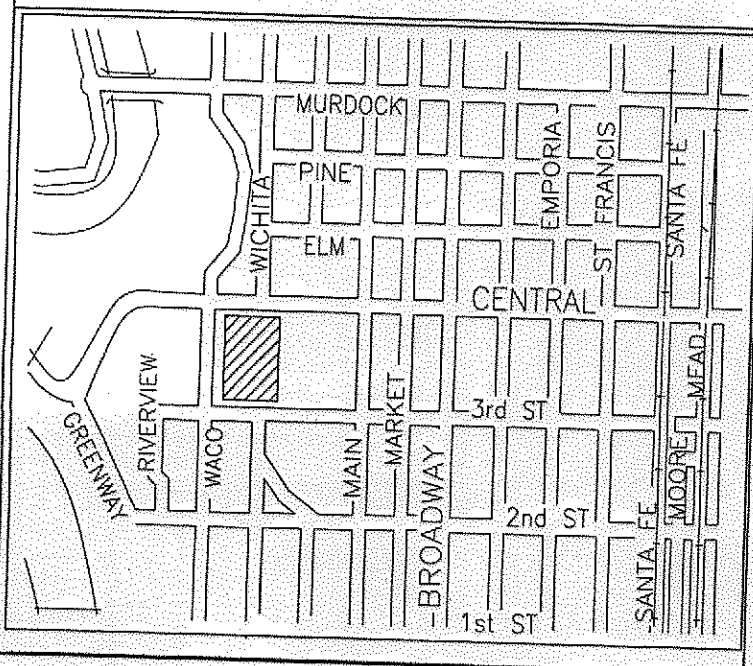
The Rounds and Porter Building is in dire need of roof repair/replacement. The southern 1/3 of the building is now occupied by the WPD Property and Evidence Department. This section of the building will be a perfect candidate for a green roof project, providing the much needed roof replacement, and doing the City of Wichita's part to help the environment.

**RELATIONSHIP TO MASTER PLAN AND OTHER PROJECTS:**

- Complies with Strategic Agenda Items 181, 183, and 185:
- Item 181: Assess the condition of all City facilities and identify needed improvements, repairs, and modifications.
- Item 183: Prioritize needed public facility improvements, repairs, and modifications.
- Item 185: Schedule and implement public facility improvements based on prioritized programs.

**OPERATING BUDGET IMPLICATIONS:**

None



2			
0			
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2			
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2			
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7			
2	D	24.6	GO
0	CON	275.4	GO
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**BEYOND**  
2014

**PROJECT**  
**TOTAL**

300



**Second Reading Ordinances for February 3, 2008 (first read on January 27, 2009)**

ZON2008-00061 and CUP2008-00044 – Amendment #1 to DP-295 Stonebridge Commercial Community Unit Plan and zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”); generally located at the southeast corner of West 37th Street North and North Maize Road. (District V)

**ORDINANCE NO. 48-173**

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

Acquisition of Easement by Eminent Domain for the Main 13, Southwest Sewer Interceptor, Lateral Line 23, Near West Kellogg and 111th Street. (District IV)

**ORDINANCE NO.48-174**

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of sanitary sewer to serve an area west of 111th Street West, on the north and south sides of Kellogg in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.